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GEORGE CLEEVE

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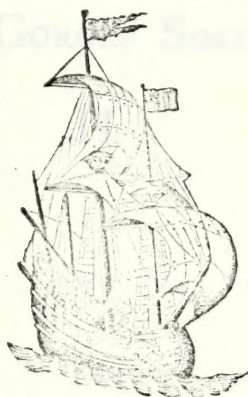
CASCO BAY,

1630-1667,

With Collateral Documents.

"Enquire no further who was his father. Thou shalt anon see that he was, as the
Italians express it, 'a son to his own labors.'"

BY JAMES PHINNEY BAXTER, A. M.



PRINTED FOR THE GORGES SOCIETY, PORTLAND, MAINE.

1885.

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GEORGE CLEEVE.

THE GORGES SOCIETY.

II.

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LIST OF ILLUSTRATIONS.

INTRODUCTION.

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INTRODUCTION.



HE student of history who selects a local subject for his theme, soon finds his limitations. He cannot, like one who treats of the making of a people, or of a great historical epoch, engage in the fascinating contemplation of the philosophy of history; of the development of ideas which result in important social transformations, but must confine himself to details almost insignificant in themselves; indeed, he is a kind of literary *chiffonier* who traverses the alleys and byways of history, intent upon gathering into his basket the scraps which would else be lost, while his more fortunate brother, the fully credentialed historian, like Macauley, Froude, Green, *et id genus omne*, roll luxuriantly along highways of prosperity, with pictures of heroic achievements, the birth of nations and the growth and decay of empires before their admiring eyes. No matter

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matter how well he may realize the fact that language is but "an apparatus of symbols for the conveyance of thought," and that "whatever force is absorbed by the machine is deducted from the result," he will soon find that all his fine conceptions are of no avail, and that he must buckle down to his work, which consists in the plain and truthful recital of such facts relating to his subject as he may have gathered, drawing such evident conclusions from them as he may be able to draw, and when he has finished, he will find that a great deal of force has been absorbed by the machine, in fact, that he has not produced a work of art.

When I formed the conception of writing a memoir of George Cleeve, the founder of Portland, I first asked myself the questions which an acute thinker has prescribed for one who contemplates writing a book, namely: what reasons exist for producing such a book, and are they quite sufficient to warrant its undertaking? The answers to these questions were, that no memoir of this man who played such an important part in our early history exists, and that what has been casually and carelessly written about him is contradictory and misleading; besides, by the recent discovery of the Trelawny Papers, I have been furnished with new materials sufficient with what I already possessed to make a somewhat complete memoir

memoir possible. These answers furnish the *raison d'être* of the present work. When I began the collection of materials for this memoir, the ideal which I possessed of the work before me was alluring, and, could I have accomplished it, the result would have been somewhat satisfactory; but, to my disappointment, I found it impossible to get anything relating to the life of my subject before his advent here, although I took great pains to do so by advertisements in English periodicals, correspondence with antiquaries and the search of records. On this side of the water I found opinions hostile to him prevalent, and gathering every scrap which I could find relating to him, I followed these opinions to their sources so far as possible. The result is, that I feel myself repaid for my labor in being able to dispel many erroneous opinions which are entertained of him, adopted principally from Sullivan, who was a careless and unreliable writer, who adopted them generally from persons inimical to Cleeve.

My subject was not an exemplar of an important idea for the benefit of mankind, nor a pioneer in any interesting social movement. He was simply an ambitious man, seeking a home, money and power in the New World like so many others—like most others then and now,—hence, the study of his character is more difficult

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cult and the results less satisfactory than that of a man like Winthrop, who was dominated by an idea which he kept ever in view and which inspired all his acts. Whatever my failings in this work may be, I indulge the belief that it will accomplish this, which is, perhaps, all that I could reasonably expect, namely, that it will set the character of George Cleeve in truer light than it has heretofore been placed in. In this belief I am fain to rest.

James Thurney Baxter.

61 Deering St.,
Portland, Maine.



GEORGE CLEEVE

AND HIS TIMES.

ON the ninth day of July, 1605,¹ a little barque was making its way southwardly across-Casco Bay. It bore that brave Christian gentleman Samuel de Champlain,² and his friend the Sieur de Monts³ with other gentlemen of France, two Indians and twenty

1. *Vide Voyages of Samuel de Champlain*, Prince Society, Vol. II, p. 61.

2. For the most valuable account of this remarkable man which has yet been written, the reader is referred to the Memoir of him, written by the Rev. Edmund F. Slafter, and prefacing the voyages of the renowned navigator, published by the Prince Society, A. D. 1880.

3. Pierre du Guast, Sieur de Monts, was a favorite of the French King Henry IV. Of a gallant and adventurous spirit, he had, several years

before this date, made a voyage for pleasure and recreation with his friend De Chauvin to Canada, an undertaking then considered marvelous, and entitling him who achieved it to admiration for heroic daring. Becoming interested in the country, he formed a scheme for its colonization, and to this end obtained, on his return to France, a charter from the King of all the territory between the 40th and 46th parallels of North latitude, which of course included what is now New England, the State of New York and a portion of Pennsylvania and Maryland, as well as the

twenty sailors. They had passed a winter of great suffering at the mouth of the St. Croix, and were seeking a suitable place for a

Champlain— settlement. Keeping on their course, they passed several well wooded islands, which concealed from their western view a harbor which, had they discovered it, would have satisfied all their requirements, and repaid them for all their toil; but which was reserved by Providence for an adventurer of a rival race and of an unfriendly faith to take possession of and occupy. The harbor which the French adventurers passed unperceived was Portland harbor, and the man who was to lay upon its shores the corner stone of a flourishing city, was George Cleeve,⁴ then living unknown in Old England, and

vast region extending westward to the Pacific. Forming a company composed principally of merchants of Rouen and Rochelle, and securing the services of Champlain, he started from Havre de Grace on April 7th, 1604, and after exploring the coast of what is now Nova Scotia and New Brunswick, finally settled his colony on an island at the mouth of the St. Croix. After passing a winter of great suffering and loss of life, De Monts and Champlain, in the early summer of 1605, set sail on a voyage of exploration southward, to find a more prom-

ising place for settlement, which is the voyage here alluded to. Their efforts, as we know, were not attended with success.

4. Much research in England has failed to find the family or birth place of George Cleeve. The following entry in the Register of St. Peter's, Cornhill, naturally engages our attention:

"1614, Sept. 22. Thursday. George Cleeve of this p'ish and Alice Stanstall of St. Savors, in Southwarke, by lycense fro' Mr. Kempes."

In the Registers of St. Michael,

and undisturbed by any dream of a future life in the then almost unknown New World on the other side of the misty Atlantic. Still sailing, but in a more westerly

course, the little barque skirted the wooded shores of Cape Elizabeth, and coming in sight of the broad, level beaches of Old Orchard, then uncovered by the tide—and gleaming as white as snow to their admiring gaze, they dropped anchor to await the rising of the tide which should float them over the bar which lay between them and the mouth of the river^s which they saw pouring its waters into the bay beyond. The strange sight of the white winged craft, so unlike their own frail canoes, attracted the natives as she sailed along, and they quickly gathered upon the shores, building fires, gesticulating and

Cornhill, the name of Cleeve occurs twenty-two times, beginning in 1669. Alexander Cleeve, of Cornhill, was in 1701, of the worshipful the Pewterers' Company, and Edward Cleeve became his successor in 1722. Mr. W. H. Overall, in commenting upon this family says: "I have no doubt your George was one of the early members of this family, but the evidence to prove it is wanting." If this is correct and the marriage above noted is that of the founder of Portland, "Joane Cleeve," whom he called late in life

"my now wife," was a subsequent conjugal partner.

5. Champlain called this river the Chouïacoet, which fully identified it with the Saco.

The English also tried to pronounce the word after the Indian mode, calling it Sawocotuck, Sawakquatook and Sowocotuck. The meaning of the name is said to be the Burnt Pine Place. *Vide* language of the Abenagues. [Maine Hist. Coll., Vol. IV, p. 192.]

and dancing to attract the attention of the pale faces.⁶ Not far away was a large wooded island, which the Sieur de Monts wished to explore, and taking one of the ship's boats he directed his course thitherward. Landing upon its sloping shores, the eyes of the strange visitors were delighted by the luxuriant groves of oak and nut trees⁷ which covered it, whose broad spreading arms were burdened with the vines of the wild grape heavy with their immature fruitage;⁸ indeed, so abundant was the growth of the vine beloved by gods and men, that De Monts at once aptly bestowed upon it the name of *Bacchus Island*. Here, also, were plots of waving maize; of beans, pumpkins and squashes then in blossom, all of which were cultivated successfully by the Indians in the neighborhood.⁹ When the tide served, the voyagers crossed the bar, and, soon after, sailed away, leaving the red men in undisturbed possession of their pleasant domains. Year succeeded year, and although the

6. *Vide Voyages of Samuel de Champlain*, Vol. II, p. 62.

7. Probably the hickory which is still found growing in this vicinity. The butternut, which Williamson says is the only species of Walnut tree native to Maine, may also have grown on the island at this time.

8. *Uva Sylvestris*. Early voyagers from the time of Leif Ericson speak of the abundance of grapes

found growing wild on the New England coast. They have now, however, nearly disappeared, owing, probably, in a large measure to the loss of shelter formerly afforded them by the forests which have been removed.

9. *Vide Voyages of Samuel de Champlain*, Vol. II, p. 64.

10. *Vide A description of New England*, by Capt. John Smith, (Reprint) Boston, 1865, p. 19.

the nations of Europe were looking across the Atlantic, and each was emulous of establishing its rule on the soil of the New World, the shores of Casco Bay were neglected.

True, the ships of
1614. Smith,¹⁰ and occasional ves- *J. Smith:*
sels fitted out by adventur-

ous merchants to fish in the teeming waters with which these shores were washed or to trade with the natives

by whom they were peopled, visited them, but no
1623. attempt at a settlement was made until eighteen years after the visit of Champlain, when Christopher Levett," a native of York, sailed upon the

Christ. Levett: coast, first touching upon
the Isles off Shoals,¹² from whence he sailed to the mouth of the Saco, which he describes as issuing from a great hill lying to the west, called by the Indians the "Crystal Hill," which could be seen when approaching the coast from any point between Cape Cod and Monhegan Island.¹³ It was towards

this

11. *Vide A Voyage into New England*, by Christopher Levett. Coll. Maine Hist. Society, Vol. II, p. 79.

12. Called by Champlain *Isles assez hautes*, and by Smith, a few years later, *Smith's Isles*. They are eight in number, and lie about seven and a half miles from the mainland.

13. The most noted island in ancient annals on our coast. It was a point to which early navigators directed their course, and became a favorite resort to fishermen. Its first owner was Abraham Jennens, of Plymouth, England, the father-in-law of Moses Goodyear, the partner of Robert Trelawny.

this wonderful hill, which we recognize as the most prominent peak of the White Mountain range, behind which they nightly beheld with admiring awe the sun withdraw itself, that the red men were wont to point when Levett asked them where their heaven was.

About the mouth of the Saco were cleared grounds, fine groves of timber and abundance of game.¹⁴ From here Levett pushed eastward, coming to a place about two leagues from Cape Elizabeth, called by the Indians "*Quack*."¹⁵ This he tells us is a bay or sound between the main land and certain islands lying about a mile and a half from the shore. The harbor he describes as formed by four islands; the land in the vicinity excellent and the fish and game abundant. This is the first description which we have of Portland harbor, where, had not Champlain missed it eighteen years before, Levett would have probably found a French Colony seated. As it was, however, he sailed up the harbor and entered a river to which he gave his own name, and which abounded in salmon and other fish. Shortly after this he obtained permission to settle a plantation at "*Quack*" from the Sagamore

14. *Vide* New English Canaan, Prince Society, p. 189 *et seq.* Josse-lyn's Two Voyages, p. 78 *et seq.* Woods' New England's Prospect, pp. 33-35.

15. The name applied to the re-

gion between Casco and Cape Elizabeth. An abbreviation of *Pékwahtaki*, or, according to Roger Williams, *Péquauhock* (the *pe* being indistinct), and meaning the clam place.

Sagamore¹⁶ of Saco, "who," he says, "as I conceive, hath a natural right of inheritance." He continues, "I sailed to Quack or York with the King, Queen and Prince, bow and arrows, dog and kettle in my boat, his noble attendance rowing by us in their canoes." Here he found several English ships from Weymouth¹⁷ engaged in fishing, and being asked by the wife of the Sagamore if their crews were his friends, Levett told her they were, when she welcomed them to her country, and drank to them, and continues Levett, "She drank also to her husband and bid him welcome to her country too; for you must understand that the father was the Sagamore of this place and left it to her at his death, having no more children. And thus, after many dangers, much labor and great charge, I have obtained a place of habitation in New England, where I have built a house and fortified it in a reasonable and good fashion, strong enough against such enemies as are these savage people."¹⁸ Leaving ten men in possession of his plantation

16. The title applied by the northern Indians to the one in chief command of a tribe. The term Sachem, signifying the same, was used by tribes farther south.

17. A seaport in the County of Dorset, whence many vessels were sent to fish on our coast.

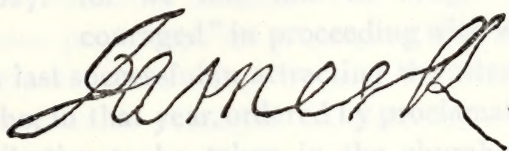
18. That this house was built upon

an island in Portland Harbor is now settled, if it was not before, by the recent discovery of Maverick's Manuscript, in which appears the following:

"About the year 1632 (1623) there was a Patent granted to one Capt Christopher Levett for 6,000 acres of land which he tooke up in this Bay

tion, to guard his house and probably to clear and till the land, Levett set sail for England in 1624, intending to transport his family to a new and permanent home in Casco Bay.

That this was his intention, we may properly infer, not only from his own statements and the fact of his having obtained a grant of six thousand acres of land in New England,¹⁹ but as well from his wise and conciliatory policy towards the natives in recognizing their rights in the soil, and purchasing of them the territory upon which he proposed to establish himself. But his project never came to fruition, owing to the unpropitious condition of affairs in England. Levett had relied upon royal aid to establish himself in the New World, as King



James was well known to be warmly interested in all schemes

of colonization, but he reached home at a period when his royal master was distracted by troubles growing out of the rupture with Spain, on account of the intrigues of

neare Cape Elizabeth and built a good House and fortified well on an Island lyeing before Casco River this he sold and his Interest in the Patent to Mr Ceeley Mr Jope and

Company of Plimouth."

From the house built by Levett this Island probably derived its name.

19. *Vide* Records of the Council for New England, p. 46.

of Buckingham in breaking off the long projected marriage of Prince Charles and the Spanish Infanta, and in the midst of preparations to re-conquer the Palatinate. War; the death of James; the plague and the exciting political dissensions which ushered in the

Charles I

reign of Charles the First, all conspired to prevent Levett from speeding his under-

taking to a successful issue. Royal protection had become necessary, as grave differences existed between England and France, relative to the ownership of the soil upon which he had built, and for three years Levett doubtless labored to obtain the needed aid from Charles, 1627. for we find him in 1627, "deterred and discouraged" in proceeding with what he had begun, at last successful in attracting the attention of the King, who, in that year, ordered by proclamation a special contribution to be taken in the churches of York²⁰ to aid him in his project of building a city in New England, which was to bear the name of York, after the builder's native city. He had succeeded in attracting the attention of Lords Conway and Scrope, the latter being Lord President of York, and above all, had reached the ear of the

20. *Vide* Proceedings Mass. Hist. Society, Vol. 20, pp. 339-341.

the Secretary of the Duke of Buckingham, which was next to reaching the ear of royalty. It was doubtless through the influence of such powerful friends that Levett secured this extraordinary act, for Charles was too much distracted with troubles at home and abroad to hear any but the most powerful appeals.

How successful this proclamation was in leading churchmen to contribute to Levett's scheme we know not; but we may properly infer that it was fortified by warm appeals of the clergy to the friends of Episcopacy, to aid in establishing in Maine a colony friendly to Episcopal interests, a project persistently kept in view for many years—Massachusetts being almost hopelessly given over to Puritanism. But whether successful or not in obtaining pecuniary help, Levett does not appear to have prosecuted his projects further, for after 1628 he disappears from view. From a statement of Cleeve, we learn that he conveyed his property in Casco Bay to "one Wright,"²¹ of whom Cleeve purchased it in order to strengthen his own title, nor do we know what became of the men whom he left in possession. Four of these he informs us were from Weston's unfortunate company which

21. The patent of Levett, Maverick informs us, was purchased by a company of Plymouth adventurers. Wright may have been a member or agent of this company. This patent,

with the Indian title which Levett possessed, should have taken precedence of all other titles, including that of Massachusetts.

which had settled at *Wessagusset* or Weymouth in the summer of 1622. This company had broken up before the arrival of Levett, who had been sent out by the Council for New England as one of a commission "for the ordering and governing of New England," and their habitations were taken possession of by the commissioners. Some of Weston's company probably remained in the vicinity, and it is quite probable that Walter Bagnall, who has been regarded as an associate of Thomas

Thomas Morton

Morton of Merry Mount fame, and who was one

of Weston's company was one of them. According to Winthrop, he was living in 1627 on Richmond's Island,—the Isle de Bacchus of Champlain—which now for the first time comes plainly into historic view. Nor do we know at what time between this date and that of the visit of Champlain in 1605, it acquired its name of Richman's or Richmond's Island. Dim and uncertain are the glimpses we get of this period. We have the names of several men who were living "in the house at Casko" in 1630,²² and for a brief moment the shadowy curtain of the past is lifted, revealing to us one George Richmond of Bandon-bridge in Ireland,²³ the cradle of Puritanism.

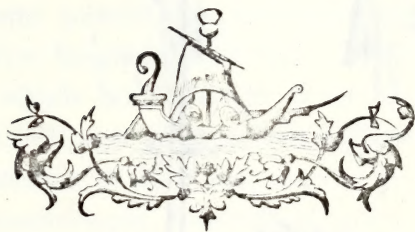
22. These were Nicholas Rouse, of Wemberg, Thomas Alger and Ed-

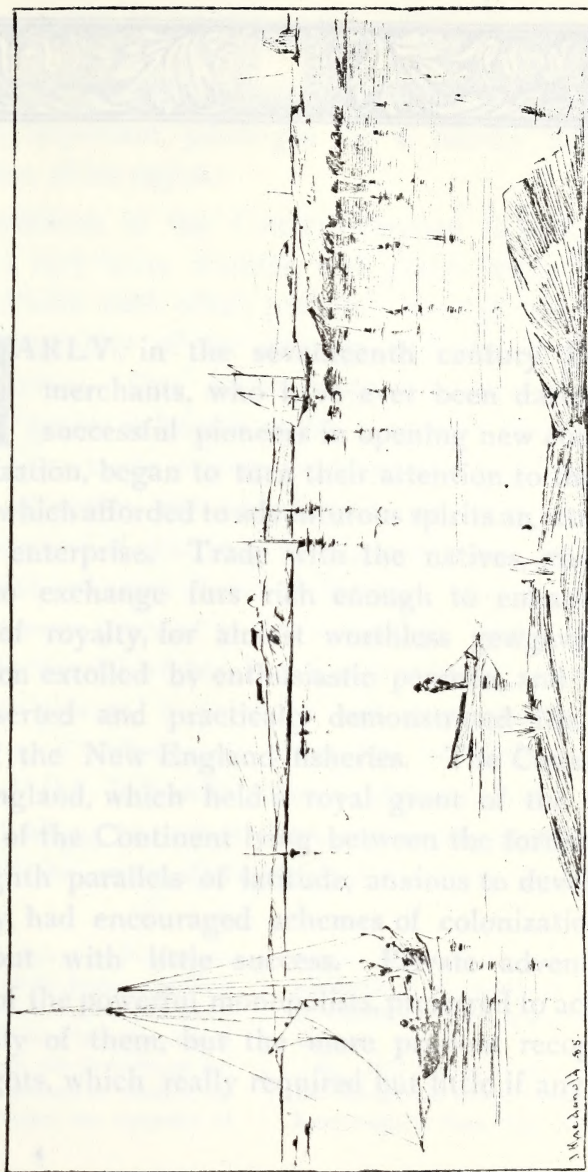
mund Baker, of Newton Ferrers.

23. *Vide* Trelawny Papers, p. 143.

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Puritanism in that unfortunate land ; but he suddenly disappears, leaving us perplexed and disappointed. Certain, however, is it, that George Richmond was at the head of some enterprise which employed men ; which required the building of a vessel and the possession of a considerable stock of merchandise, and there seems to be reason to believe that he gave his name to this island, which was soon to become an important station for trade, and a goal to which ships coming upon the coast should direct their course.





RICHMOND'S ISLAND,

FROM THE MOUTH OF THE SPURWINK RIVER.



EARLY in the seventeenth century English merchants, who have ever been daring and successful pioneers in opening new countries to civilization, began to turn their attention to the New World, which afforded to adventurous spirits an attractive field for enterprise. Trade with the natives, who were eager to exchange furs rich enough to enhance the luxury of royalty, for almost worthless gewgaws, had long been extolled by enthusiastic penmen, and Smith had asserted and practically demonstrated the great value of the New England fisheries. The Council for New England, which held a royal grant of the entire portion of the Continent lying between the fortieth and forty-eighth parallels of latitude, anxious to develop its property, had encouraged schemes of colonization and trade, but with little success. Private adventurers, jealous of the powerful monopolists, preferred to act independently of them, but the more prudent recognized their rights, which really required but little if any pecuniary

niary sacrifice, for the Council seemed ready at all times to grant important privileges for a merely nominal recognition of its rights.

The business of the Council appears to have been done in a very loose manner, and grants made which conflicted with each other, probably through ignorance of the geography of the country and the confusion of local names. One of the most important of these grants is known as the Lygonia²⁴ Patent, and 1629-30. was made in 1629-30, to several gentlemen of

London, who undertook to establish a colony for the purpose of planting, fishing and trade, upon the then almost unknown shores of Maine. Very important privileges were granted to this company. Not only was it given territorial rights, but it was clothed with governmental powers, a privilege not bestowed by the Council upon subsequent patentees in Maine. The bounds of the Lygonia patent extended from Cape Porpoise²⁵ along the coast north eastwardly forty miles, and inland the same distance, and therefore embraced
an

24. The mother of Sir Ferdinando Gorges was Cicely Lygon, and from her the Province derived the name which it continued to bear while it existed, namely, the Province of Lygonia. The Province of Laconia, belonging to Mason, the associate of

Gorges, was farther west, and the similarity of the names of the two provinces sometimes occasioned confusion.

25. This cape is at the mouth of the Kennebunk River, twenty miles south-westerly from Cape Elizabeth.

an area of territory forty miles square. It will be seen that this grant embraced subsequent ones on the Saco river, Cape Elizabeth and Casco Bay. The patentees at once began making preparations to establish a colony upon their property. To awaken interest in their undertaking, glowing descriptions were made of the country. Its soil was represented as fertile, its climate mild, and its shores convenient for commerce, while its luxuriant forests abounded with game of every sort easy to capture. It was, to the fancy of those who listened, a new Canaan indeed, and a small band of adventurers soon gathered under the alluring title of the "Company of Husbandmen," ready to undertake the voyage to this land of milk and honey. A particular description has been given of this grant, as it was destined to play an important part in controversies growing out of disputed titles, as we shall see. The leading spirit of the Council for New England, indeed the one who shaped and managed

Ferd. Gorges

nearly all of its affairs, was Sir Ferdinando Gorges, of Cornwall, a zealous churchman,

who was warmly interested in colonization, not alone for private gain, but, as well, for the advancement of the interests of the Church he loved. He was a man of popular

popular qualities, at this time in the zenith of his power, and was sought by those who were looking towards New England, for information and counsel. Among those of his brother Cornishmen who had sent ships to New England were Robert Trelawny,²⁶ Senior, and Abraham Jennens,²⁷ both noted merchants of Plymouth, whose ships had doubtless fished and traded about the shores of Richmond's Island and Cape Elizabeth, before and during the occupation by Bagnall.

The death of the senior Trelawny took place near the close of 1627, and he was succeeded by his son Robert,²⁸ who, in company with Moses Goodyear the son-in-law of Jennens, inherited the spirit and traditions as well as the business of the two pioneers in the New England trade. John Winter,²⁹ probably a son of the early navigator of that name, was in the employ of Trelawny and Goodyear, and familiar

26. Robert Trelawny, Sr., was not only a successful merchant, but was thrice elected Mayor of Plymouth. He died in December, 1627. *Vide* Trelawny Papers, p. xix.

27. The original patentee of the island of Monhegan. Smith mentions two of his vessels fishing here in 1622, namely, the Abraham, of Plymouth, and Nightingale, of Portsmouth.

28. Robert Trelawny, Jr., by a

singular coincidence, was thrice elected Mayor of Plymouth, as his father had been. He was subsequently elected to the Long Parliament, but was imprisoned upon a charge of uttering sentiments derogatory to the power of Parliament, and died in prison in 1644. *Vide* Trelawny Papers, pp. xvii-xxix.

29. He died at Richmond's Island in 1645. His descendants through his

familiar with Richmond's Island and Casco Bay. The new partners were well fitted to continue the enterprise of their predecessors, especially Robert Trelawny, who had inherited the ability and ambition of his father, a man not only successful as a merchant, but of considerable political prominence before his death; indeed, the spirit of foreign adventure had long been potent in his family, stimulated, perhaps, *ab origine*, by its connection through marriage with the Hawkins family, to which belonged that famous navigator, Sir John Hawkins, and the junior Trelawny grasped the helm, which his father had relinquished, with a strong hand. The Trelawnys, whose family was among the most ancient and honorable in Cornwall, were favorably known to Gorges, and were encouraged by him in their New England adventures; but up to the date of the death of the elder Trelawny, no grant of territory in New England had been taken by them; indeed, their business had been of a transient and experimental nature.

The new firm, however, contemplated more permanent relations with the new country on the other side of the Atlantic, and the acquisition of a plantation there was discussed

daughter Sarah are numerous in Portland and vicinity. The senior Winter is referred to by Purchas, who met him at Bath in 1618, and received

from him particulars of a voyage made with Drake forty-three years before. *Vide* Purchas, Ninth Book, p. 924.

discussed between them and Sir Ferdinando Gorges, probably not long after the death of the elder Trelawny, certainly prior to 1630. At the same time George Cleeve was turning his attention towards the New World, which was then attracting increased attention from the subjects of Charles, among whom, almost without distinction of party, discontent was rife. Voyages were made to New England for the purpose of exploring the country and selecting desirable places for settlement, and these voyages were often made under the promise of a grant of the territory selected. Under such a promise from Gorges,³⁰ Cleeve, who it would seem was cognizant of the negotiations between Gorges and Trelawny, and who was probably well known to both, crossed the ocean in the year 1630, with his wife and daughter, and came to the vicinity of Richmond's Island, where Walter Bagnall was then living. This man is supposed to have been one of Weston's company, with which Thomas Morton came over in 1622, and which settled at Wessagusset, or of Wollaston's company, which three years later settled about two miles farther north, at a place called Passonagessit, now the site of Quincy. This was the scene of Morton's boisterous revels, in which Bagnall is supposed to have taken part. If he came with Weston's company,

which

30. *Vide* Trelawny Papers, pp. 206, 208, 226.

which was broken up at the time Levett arrived in the country in 1623, Bagnall may have been one of the men whom Levett says he took from that company, and left in charge of his house in Casco Bay. If such is the fact he probably drifted back to Massachusetts a year or two later and went into the service of his old companion, Morton, of Passonagessit, when the latter returned to this country, and when this intemperate crew fell to pieces, returned to the vicinity of Casco Bay. Be this as it may, we find him established in trade with the Indians on Richmond's Island as early as 1628, having one companion whose name is lost to us.³¹ Bagnall practiced fraudulently upon the ignorant natives, selling them the deadly fire water which they so loved, and when under its influence, stripping them of their "Beaver and Wampompeage." On the main land, within sight of the trading station of this unscrupulous trafficker, George Cleeve found a suitable spot for planting and trade. This land was in the possession of Richard Bradshaw, who had made a voyage of prospection to New England, a practice then common, and had secured delivery of the same, pending the procurance of a patent therefor

31. *Vide* Winthrop's Hist. N. E., Vol. I, p. 75.

Wt. Neale therefor from Captain Walter Neale,³² who had been sent out by Gorges and 1630. Mason, in the Spring of 1630, as Governor of the Piscataqua Company, a band of colonists which had settled at the mouth of the Piscataqua river. This delivery constituted simply an act of preemption, entitling the holder to the first right of purchase, and was considered by all concerned as a valuable right, as it is to-day under our own preemption laws. The whole country was a wilderness, which had been parceled out among favorites of the crown, and concerning which but little was definitely known. It was all open to adventurers, to whom great inducements to settle were offered, and it made but little difference at this time where a grant was located, providing it did not interfere with a previous one, nor indeed was this proviso always observed, even after a patent had passed, when sufficient reasons seemed to exist for ignoring it, as we know from the experience of John Stratton and others.³³ It would appear,

32. His title of Captain was conferred upon him for military service. He returned to England in 1633, but petitioned the King in 1638 to appoint him a Governor in New England, basing his request upon past services. In this he was not successful, and

never returned here. *Vide* Sainsbury, Vol. I, p. 285.

33. The Council for New England granted to John Stratton, on December 2d, 1631, "2000 Acres butting upon y^e south side of border of y^e River or Creeke called by the name

appear, from all that we know concerning this transaction, that Cleeve joined his promise of a grant of land with this preempted right of Bradshaw's, which had been

Richard Tucker

purchased by Richard Tucker, and awaited a patent for the same from

England. In no other way can his declaration in Court, which was not controverted, be explained.³⁴ Leaving the further consideration of this subject, we will take a brief glance at the condition of affairs in the vicinity

1631. during the year of grace 1631. The nearest neighbor to Cleeve and Tucker on the Spürwink and Bagnall on Richmond's Island, was John Stratton, who was living, probably alone, on the little island which still bears his name, a little west of Richmond's Island and opposite Black Point. Farther west, upon the eastern bank of the Saco, Richard Bonython³⁵ and Thomas Lewis,

of Cape Porpus," yet, some years later, despite of Stratton's patent and his protest against it, Thomas Gorges, as agent for the Lord Proprietor, parcelled out the territory to others. *Vide* Records of the Council, p. 52. John Wheelwright, p. 44, *et seq.*

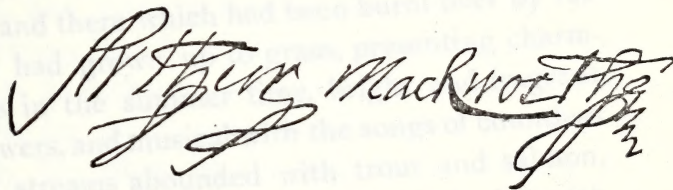
34. *Vide* Trelawny Papers, p. 206, *et seq.*

35. Captain Richard Bonython, a scion of the ancient house of Bonython, West Cornwall. He was about

fifty years of age when he came here, bringing a son and two daughters. He was a member of the first court under Gorges in 1640, and served as Councillor in 1645. He was a man much respected by his associates and well sustained his character of a magistrate. His son John was a reprobate, but such was the unflinching rectitude of the father that he entered a complaint against him for threatening violence to Richard Vines. He

Lewis,³⁶ men of energy and character, and opposite on the western bank Richard Vines,³⁷ the trusted friend of Sir Ferdinando Gorges, with a few hardy men as

brave as themselves, were clearing the forests and trying to create a home in the wilderness. Eastward the nearest neighbor was Arthur Mackworth,³⁸ who, at this time,



had doubtless seated himself on the point beyond Portland

died about the year 1650. *Vide* Carew's Survey of Cornwall, 1602, Gilbert's Hist. of Cornwall, 1817, Maine Hist. Coll., Vol. I, p. 44, Folsom's Saco, pp. 26, 113.

36. Thomas Lewis, the associate of Captain Bonython, we are told by Folsom, was "a gentleman of more than ordinary standing." His daughter Mary married the Rev. Richard Gibson, the first Episcopal minister in Maine. He died greatly esteemed in 1638.

37. Richard Vines visited New England under the patronage of Gorges in 1609, and again in 1616, passing the winter following at the mouth

of the Saco. He was a man of great energy, an ardent Episcopalian, and fully trusted by Gorges, whom he served with zeal. Becoming discouraged, he removed in 1645 to Barbadoes, where he engaged in the practice of medicine. A certificate of his burial is in my possession, dated April 19th, 1651, which gives us for the first time the approximate date of his death. *Vide* Brief Narration, Me. Hist. Coll., Vol. II, p. 24. John Wheelwright, 126, Mass. Hist. Coll., 4th Series, Vol. VII, 337 *et seq.*

38. Arthur Mackworth was doubtless one of Richard Vines' company when the latter came to New Eng-

land Neck, which still bears his name, but which was called by the Indians *Menickoe*, and by him Newton. Within the radius of a dozen miles or more, these were their only neighbors, so far as we know, unless a few straggling fishermen were carrying on their toilsome employment at House Island and one or two other points still favorite haunts for fisher folk along the shore. Far and near, all was an unbroken wilderness, save tracts of land here and there which had been burnt over by the Indians, and had grown up to grass, presenting charming openings in the summer time, bright and fragrant with wild flowers, and musical with the songs of countless birds. The streams abounded with trout and salmon, which the gentle angler could lure to his basket with a scrap of red cloth, if he possessed no more succulent morsel to offer them. The woods, too, were full of game of every sort, from the wild pigeons, which at sunset settled down upon the great pines in immense flocks, to the clumsy bears which fished for lobsters in the pools left shallow by the ebbing tide.³⁹ Nor was the sea less populous than the forest. Herring, mackerel, cod and the much prized bass crowded the waters adjacent to Richmond's

land in 1630. Mackworth must very shortly after this date have settled in Casco Bay. For an account of Mackworth, *vide* Trelawny Papers, p. 213, note 2.

39. "The Beare is a tyrant at a Lobster, and at low water will downe to the Rocks and groape after them with great diligence." *Vide* New English Canaan, Prince Society, p. 209.

mond's Island and the Spurwink,⁴⁰ and along the margin of the sea hovered numberless wild fowl, acceptable for food. Never had the new comers from the Old World, where game, protected with jealous care, was the peculiar privilege of the rich, beheld such abundance, and they wrote home extolling the country as a new found Paradise. Such was the condition of things in 1631, while Cleeve and Tucker were establishing themselves in their new home, and looking forward to a profitable trade with the roving bands of Indians which camped about them, ready to exchange the valuable furs of the otter and beaver for gaudy trinkets, and above all else, for the deadly fire water of the pale faces. During the summer of 1630, the company of Husbandmen already spoken of had arrived in their ship called the Plough, a name given to it in harmony with the purposes of the enterprise, and settled in "Casco Bay, near unto the south side of the river Sagadahock,"⁴¹ and laid out several

sums

40. "The Herrin which are numerous they take of them all summer long—there hath been 3000 Basse taken at a set." *Vide* Josselyn's *Two Voyages*, p. 84, *et seq.*

41. Sullivan, with his usual carelessness, makes this settlement on the south side of the Saco. Although there may have been a confusion of names between the Saco and Sagadahock, it is quite certain that the Saco

was not the place where the Company of Husbandmen temporarily settled. Had confirmation of this been needed, it has been recently furnished in Maverick's *Description of New England*, in these words: "There was a patent granted to Christo. Batchelor and Company in the year 1632 * or thereabouts for the mouth of the River (Kennebeck) and some tract

* The date given by Maverick is wrong.

sums of money there, made laws and constitutions, &c., for the governing said province." With the people composing this colony, George Cleeve must have been acquainted. We may, indeed, suppose that he knew their plans and was familiar with their patent. This colony, however, which started out with such high hopes, was destined to end ignominiously, for after continuing until the summer of 1631, its members became dissatisfied on account of the exaggerated statements which had been made to them of the mildness of the climate and fertility of the soil, and putting their household goods and other property on board the *Plough*, they sailed for Massachusetts Bay, where, upon their arrival, the company broke up.⁴² While these events were taking place, Bagnall, who was living as a squatter upon Richmond's Island, being anxious to obtain a title to his dwelling place, applied to the Council for New England, probably through Thomas Morton, who was then in England and in favor with Gorges, for a grant of Richmond's Island and other territory, and on the second of December, 1631, a patent was granted to him for this island and fifteen hundred acres on the main land.⁴³

But

of land adjacent, who came over in the Ship named the *Plough* and termed themselves the *Plough Company*." *Vide Sullivan's Maine*, p. 310, *et seq.* *Maverick's Description*

of New England, p. 8.

42. *Vide Winthrop's Journal*, Vol. I, pp. 69, 72.

43. *Vide Records of the Council*, p. 52.

But when the grant was made the wretched Bagnall had ceased to live, for on the evening of October 3d, 1631. 1631, a company of Indians, under the lead of a well known Sagamore, Squidrayset, visited the island upon pretence of trade, and revenged their many wrongs by slaying him and his family, plundering his house and burning it over the bodies of its murdered inmates.⁴⁴ The news of the tragedy went to Captain Walter Neale, who governed at Piscataqua, fifty miles westward, and on October 22d, nearly three weeks after its occurrence, reached Governor Winthrop at Boston, who "hearing that Capt. (Walter) Neal, etc., were gone after them (the murderers) and partly because of the season (it being then frost and snow) and want of boats fit for that expedition," did not attempt to apprehend the criminals. Indeed, under more favorable circumstances, this would have been useless, as the Indians could easily have eluded apprehension; but, in the Governor's situation, such an attempt would have been unwise in the extreme. His little colony had landed only the year before on the bleak shores of the Bay, and their hands were overfull with the labor of preparing their poor habitations against the approaching winter, and the ingathering of their meagre harvests. To have taken men

44. Vide Winthrop's Journal, Vol. I, p. 75.

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men from these necessary occupations to send upon such an unpromising expedition would have entitled Winthrop to the censure of prudent men, and we can admire the zeal more than we can commend the judgment of Captain Thomas Wiggin,⁴⁵ of Piscataqua, who tried to persuade him so to do. Fifteen months later, however, to avenge Bagnall's killing, an Indian, said to have been one of the band which slew him, was taken, by chance, on Richmond's Island and hung there by a party returning from the east,⁴⁶ whither they had been in pursuit of Dixy Bull⁴⁷ and his piratical crew.

The

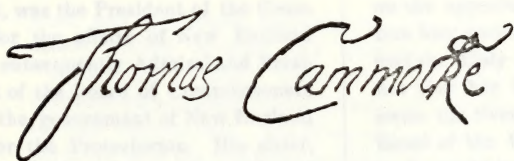
45. Thomas Wiggin was a man of considerable importance in the early history of New England, and was governor of the upper plantation, as it was called, while Walter Neale was governor of the adjoining or lower plantation. Although a *protégé* of Gorges and Mason, he seems to have deserted their cause, for we find him subsequently acting with the Puritans and one of the Massachusetts judges, or *assistants*. He was one of the Commissioners employed by Massachusetts in 1652 to receive the submission of the inhabitants of Maine.

46. This Indian's name was Manatakqua, or as the whites called him, Black William, and was the Sachem of Nahant. Wood tells us that "One *Blacke William*, an *Indian Duke*, out of his generosity gave this place

(Nahant) in general to this plantation of *Saugus*, so that no other can appropriate it to himselfe." He does not appear to have had anything to do with the killing of Bagnall. Drake comments upon his cruel execution thus: "I do not find that any one, even his murderers, pretended he was any way implicated; but, out of revenge for *Bagnall's* death, these pirate hunters hanged *Black William*." Squidrayset, or Scitterygusset, who was the real murderer of Bagnall, lived near the mouth of the Presumpscot, and a creek there still bears his name. *Vide* Wood's *New England's Prospect*, p. 46. Drake's *Book of the Indians*, p. 112. *Maine Hist. Coll.*, Vol. I, p. 63.

47. Dixy Bull came to New England as an associate patentee with

The removal of Bagnall doubtless inured to the public welfare. Such unscrupulous men, by their abuse of the Indians, incited them to revenge, and as it was in accordance with the Indian code to make a whole tribe responsible for the acts of one of its members, so if an Englishman did them a wrong they were all too ready to wreak their fury upon the race to which he belonged, hence the innocent settlers were at all times liable to have to pay the penalty for wrong acts committed by some unscrupulous individual like Bagnall. A month previous to the grant to Bagnall, namely, on November 1st, another grant had been made to Captain Thomas



Cammock,⁴⁸ who had been employed by the Council for New England, of which

Gorges, Maverick and others, of territory on the York River, and was engaged in trade for some time on the coast, as so many of the early settlers were. Having lost his vessel and goods which were taken by the French, in order to make up for his losses, he turned pirate and ranged the coast, plundering his former friends. For particulars concerning him reference may be had to Winthrop's Journal, Vol. I, p. 94. Records

of the Council for New England, p. 57. Maine Hist. Coll., Vol. V, 205. Prince's Annals, p. 431. Also Trelawny Papers, p. 23, Note 1.

48. Cammock had probably taken up land on the eastern bank of the Piscataqua before this time and built there, although he did not receive a title thereto until June 2d, 1633. He probably did not take up his residence at Black Point until 1636. He died while on a visit to Barbadoes in

which his noble uncle was an influential member.⁴⁹ Cammock had been in New England with Neale's company, which had settled on the Piscataqua, where he had built, but had explored the country farther east afterwards, and being attracted by the beautiful point of land opposite Richmond's Island, now known as Prout's Neck,

1643, and Henry Josselyn, who had resided with him for some years, married his widow. *Vide* Trelawny Papers, pp. 2, 8, 10, *et passim*. Folsom's Saco, p. 41, *et seq.* Maine Hist. Coll., Vol. III, p. 12. Josselyn's Two Voyages, p. 13, *et passim*.

49. Robert Rich, Earl of Warwick, was the President of the Council for the affairs of New England and subsequently Admiral and President of the Board of Commissioners for the government of New England under the Protectorate. His sister, the Lady Frances, was the mother of Captain Thomas Cammock, of Black Point. The account of her romantic marriage with the senior Captain Thomas Cammock will bear repeating.

Captain Cammock, it would seem, was riding from Leighs to Rockford Hall, having the Lady Frances on a pillion behind him, in company with her father, the old Earl of Warwick, and a servant. Cammock had been making love to the fair lady and suggested to her an elopement, which

she at once consented to, and putting spurs to his horse he made for Farnbridge ferry, several miles away, hoping to reach it and get to Malden on the other side of the river, in time to get the nuptial knot tied before the Earl's arrival.

Reaching the ferry, he found the boat on the opposite side and the river before him swollen and turbulent. He told the Lady Frances that he could not risk her life by attempting to swim the river, but she had the bold blood of the Warwicks in her veins and urged him on, declaring that she would live and die with him. So, leaping the bank, he plunged into the roaring torrent with his fair charge, and when the pursuers reached the shore, they were half way across the stream. Hearing the shouts of the servant, the horse of the runaways attempted to turn back, almost unseating the lovers, but the gallant Captain succeeded in turning his head in the right direction and reached the other side in safety.

Their pursuers had to wait for the

Neck,⁵⁰ had determined to make it his future home. Returning to England, he had procured on November 1st, 1631, through the influence of his uncle, a grant of the coveted territory then known as Black Point on account of the dense evergreen growth with which it was covered, and which gave, as is well known, an almost black appearance to a coast line, especially when contrasted with grey rocks, or the lighter foliage of deciduous trees in the vicinity. While in England he had visited Robert Trelawny, at Ham, the Trelawny family seat,⁵¹ and New England, from which Cammock had lately come, was a fruitful topic of conversation. Cammock had a practical knowl-

edge

boat, and the result was that the lovers reached Malden, and were "wedded and bedded" before the Earl and his attendant had ascertained their whereabouts. The father of the bride, however, concluded to make the best of the matter, and, in his admiration of the boldness and daring of the lovers, bluffly exclaimed, "*God bless 'em.*"

The proprietor of Black Point was one of a family of twenty-two children, sixteen daughters and six sons, his father having had four sons and five daughters by a former marriage.

50. This beautiful point of land, about ten miles from the city of Portland, has been, for a long time, a favorite place of summer resort. It

has been suggested that it was called Black Point by the first settlers, on account of its proximity to the town of Scarborough, as a similar headland near Scarborough in old England is so named; but this is only a curious coincidence, as it was called Black Point long before the name Scarborough was given to the town near it. For some time it was called Cammock's Neck, then Prout's and Libby's Neck after succeeding proprietors, but is now better known as Prout's Neck, which name it is likely to hereafter retain, although it would be more appropriate to restore to it the name of its original proprietor, Cammock.

51. *Vide Trelawny Papers*, p. 18.

edge of the country, and his selection of Black Point probably determined Trelawny in his choice of the adjoining territory, where Cleeve and Tucker were located. A patent of Richmond's Island, we may reasonably infer, had been applied for by Bagnall and a promise of it obtained from Gorges—whose word once given would be adhered to—before Trelawny and Goodyear applied for their patent, or this most important adjunct to their grant would have been included in the patent to them, since they possessed a personal influence which Bagnall did not enjoy. This is evident from their patent, which discloses a design to nullify, so far as possible, nearly every advantage granted to Bagnall; indeed, his patent, had he lived to receive it, would have proved almost valueless to him, for, by what was doubtless a well-arranged piece of finesse, the Trelawny patent preceded his in date one day, and practically covered Richmond's Island, as well as the adjoining main land, although the Bagnall patent apparently conveyed to the grantee the Island and fifteen hundred acres of the adjoining main.⁵² True, Bagnall was granted the *fee* of Richmond's Island, but so encumbered as to be almost worthless, since the right to

52. *Vide* Trelawny Papers, p. 1. Sullivan gravely says that "Some people have supposed that Trelawney had a patent from the Council of Plymouth, but this I believe to be a mis-

take. His title was under Rigby's patent, which was originally granted to Dy and others." These are almost inexcusable errors. *Vide* Sullivan's Maine, p. 195.

to fowl, fish and erect stages and wharves for the prosecution of business had already been granted to another. This right was without limit and could have been made to absorb every privilege of value which the Island possessed, while all the main land opposite to it, east and west, where he undoubtedly expected to have his additional fifteen hundred acres, had also been granted to others. Had Bagnall lived, the grant to Trelawny would have proved a fruitful source of trouble, in which the weaker party would have been forced to the wall. As it was, Trelawny held the island under his grant of privileges, and never sought to fortify it by any subsequent instrument.

1632. The spring of 1632 opened upon the lonely settlers on the Spurwink, who, it would seem, maintained peaceful relations with the red men about them, and preparations were being made for planting, by enclosing ground near their habitation, when, on the 17th of April, they saw the sails of a ship bearing in from the open sea, and soon had the joy of seeing her come to anchor near the island. It was surely a welcome sight to behold a ship from home, bearing at her masthead the glorious flag of old England, and they doubtless hastened to greet the new comers. But their happiness was short-lived, for they soon learned that

that the chief of the party was John Winter, probably an old acquaintance of Cleeve, and that he came over as "*Governor*" of Trelawny's plantation, which included the territory then in their possession. The date of Trelawny's patent was December 1st, and of Cammock's November 1st, 1631. On the same day that Cammock's patent was granted, one for "1500 acres of land to be allotted above the hedd of the Pashippscot" was granted to Richard Bradshaw. Whether this patent was for land selected on the Pejepscoot by Bradshaw after the sale of his right to Cleeve and Tucker, or whether it was intended to secure the title to that right to them, we may never know. Possibly the word "Pashippscot" was erroneously substituted for the Spurwink, as Sagadahock,⁵³ the name at that time of the Kennebec, was for the Saco. If so, it was a fatal error to the title of Cleeve and Tucker. We may well imagine the bitter disappointment which possessed them when they learned from Winter that Trelawny possessed a valid patent from the Council, of the entire shore of Cape Elizabeth east of the Spurwink. Winter was a harsh and overbearing man and probably did not essay to mitigate their disappointment, regarding them as interlopers who must

53. Vide Sullivan's Maine, p. 113.

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must either serve his powerful master or be driven out; indeed, he afterwards, in adverting to his forbearance towards Cleeve on this occasion *naively* says, that he told him that he might become a tenant to Trelawny somewhere else, after warning him from the place where he had built and planted.⁵⁴ To this proposal, which we may properly imagine to have been made with the offensive manner so natural to one acting subordinately to a powerful employer, Cleeve, who had seen enough of the oppression of the tenancy system in Old England, with that manly spirit of independence which less than a century and a half later transformed a province into a nation, replied that "*He would be tenant to never a man in New England.*"⁵⁵

Five days after the arrival of Winter, Cammock, who had sailed before Winter, reached Richmond's Island after a long and stormy passage. From him Cleeve and Tucker could, of course, obtain no comfort, and their position must have been unpleasant in the extreme. Winter at once took steps to eject them from their new home and applied to Captain Walter Neale for his official aid.⁵⁶ This was promptly granted, and Cleeve and Tucker were served with a formal notice to quit. But Cleeve was not a man to regard mere paper notices, and

Winter

54. *Vide* Trelawny Papers, p. 117.

55. *Vide Ibid.*, p. 265.

56. *Vide* Trelawny Papers, p. 230.

Winter was not in a position to employ force, as he had come here only to make arrangements for a future settlement and was to return immediately to England for men and materials necessary to carry on the enterprise. Needing men to leave in possession of the island, he engaged three men, whom he found "*in the house at Casko*," namely, John Badiver and Thomas and Andrew Alger,⁵⁷ who it seems probable were some of the men left there by Levett, presuming that "*the house at Casko*" was the one erected there by him in 1623-4. Leaving these men at the Island, Winter set sail for Plymouth in the month of July, leaving Cleeve and Tucker to harvest the crop which they had planted that year. They well knew, however, that he would return again ere long, unless prevented by the elements, when they would be obliged to depart or to become his tenants, the latter alternative being one not to be entertained, and they began casting about for a new place where they

57. Thomas Alger came from the little town of Newton Ferrers in Devonshire, while Andrew, we are told, came from Dunster, in the County of Somerset. It is quite likely that they were relatives, but how nearly they were related we do not know. Thomas returned to England, but soon came back to this country and settled at Taunton, Massachusetts. Andrew, after a term of service with Winter,

removed to Saco, where he resided for a while, but about 1654 settled with a brother (Arthur) upon a tract of land purchased of the Indians in 1651, lying west of the Trelawny grant, which they named after their English home, Dunster, now known as Dunstan. Andrew was killed, with his brother, by the Indians in 1675.

they could erect another home. A neck of land in Casco Bay, several miles northerly from their present habitation, promised favorably, and when John Winter returned on March 2d, 1633, they were ready to strike out again for a new spot of earth from which they might wring a meagre support, and borrowing a boat to aid them in transporting the family of Cleeve and their scanty household goods, they departed, leaving Winter in sole possession of Richmond's Island, and their dwelling place on the Cape Elizabeth shore. But his position was far from being secure. Not only had ships from Barnstable, England, been at the island during his absence, and, regardless of his employers' proprietary rights and the protests of those left in charge, taken possession of the fishing stages he had built, but threats from one who had been pillaging settlers farther east reached his ears.⁵⁸ For the protection of the people and property in his charge, he at once set about the task of putting the island in a proper state of defence, and, ere long, he could defy attack from any ordinary enemy.

58. Dixy Bull, a former patentee of land on the "Aquamentiquos (York)

River," who had turned pirate. *Vide* Trelawny Papers, p. 23, note 1.



DRIVEN from their home near the Spurwink, Cleeve with his wife Joan, daughter Elizabeth and servant Oliver Weeks, together with his partner Tucker, pushed eastward, and passing around the point of Cape Elizabeth directed his course toward a neck of land in Casco Bay then known by the Indian name of *Machegonne*.⁵⁹ At the extremity of this neck, reaching out into the bay, was a rounded hill clothed with a forest of great trees down to the pebbly beach at its foot. Towards the west arose another thickly-wooded eminence, and between lay a valley with a babbling brook pouring its sparkling waters into the sea.

Here they moored their boats, and, landing, selected a place for their future home near the shore and not far from the mouth of the brook. The site chosen was an admirable

59. Ballard makes the meaning of this word *bad clay*, while Bliss makes it *great elbow*. Dr. O'Brien, however, differs with both of these authorities, and says that it signifies a bad or worthless camp, and was so named

because there was a ruined camp on the Neck, or that for some reason it was a bad camping place. For a fuller consideration of the matter, *vide* Trelawny Papers, p. 225, note 1.

admirable one. Here was a bold peninsula reaching out into the Atlantic, as though inviting the commerce of the world, well wooded and watered, and with a soil fairly capable of yielding fruitage to one who would bestow upon it the needful care. Between this peninsula and the opposite shores of Cape Elizabeth was a harbor which could float the king's navy; shut in from the devastating storms which at times swept the dark and treacherous sea without. Our failures, says Tallyrand, are stepping stones to success, and Cleeve's settlement at *Machegonne* well illustrates the *mot* of the philosophic statesman, for his failure to establish himself near the Spurwink, through the rivalry of Winter, led to his establishment here and subsequent control of the entire neck and neighboring islands, a situation for settlement unequalled for beauty and utility.

Cleeve and Tucker took hold of their work vigorously and were soon settled in their new home, which, protected from the northerly winds by thick woods in the rear, with a garden and corn field about it, looked out upon the harbor and the shores of the Cape beyond. Settled in his new home, but with no valid title to it, Cleeve must have had many anxious thoughts. In common with other subjects of the English crown who had looked across the Atlantic for a future home, he

he was familiar with a proclamation which, in order to promote the colonization and evangelization of the New World, King James had issued, giving to every subject of the realm who should transport himself at his own expense to America, one hundred and fifty acres of land, and the same quantity for every person whom he should transport thither in like manner.⁶⁰ But this proclamation could hardly have been regarded by him as a protection against the claims of others holding grants from the Council, to whom the entire territory had been conveyed by royal charter. This proclamation doubtless had a binding force at the time it was issued, and for some time after, and would have entitled a claimant who had fulfilled its conditions to a grant in accordance therewith, for we are told that royal proclamations had all the force of parliamentary laws; indeed, we know that in practice pliant judges sometimes paid more heed to a proclamation than a statute;⁶¹ but at this time, the day of royal prerogative was drawing to a close and fast losing the splendors with which it had so long dazzled men's eyes, a fact which, though not realized generally, had its influence upon the minds of all, hence Cleeve could not have placed much reliance upon the proclamation of a dead king, although if he knew of

Coke's

60. *Vide* Early Records of Maine, Vol. I, p. 75.

61. *Vide* Hume's England, (London, 1803), Vol. VI, p. 419.

Coke's then popular maxim, that the king never dies, he must have felt that, technically, it was as much in force as when it came fresh from the king's pen. It would seem that besides this, he had secured the old grant made to Christopher Levett, in 1623, through "one Wright"⁶² which antedated all other conveyances, and which he held defensively if not offensively against Winter. But look at it as he might, he must have felt that he and those dependent upon him for support were liable to be driven forth at any time. The life of this lonely family must have been one of many privations, especially during the long and severe winter months.

Their time, however, was fully occupied in providing for their daily wants, in settling the surroundings of their new home and in hunting and trade. Furs received from the Indians or the reward of their own skill in hunting and trapping, were taken to the Bay by one of the partners, who journeyed the long distance in a boat.⁶³ Here, although the settlement

Jo. Winthrop

founded by Winthrop was just emerging from the wilderness, was already a center of trade to which adventurers flocked from every quarter. In the summer

62. Vide Trelawny Papers, p. 102.

63. Vide Maine Historical Collec-

tions, Vol. I, p. 64, note 1. All the while Winter was enjoying the pos-

1635. summer of 1635, Winter, leaving the charge of affairs at Richmond's Island with Edward Trelawny and Narias Hawkins, departed for England.⁶⁴ He had quarreled with Cammock, respecting the dividing line between the Trelawny and Cammock patents. This line was the river Spurwink, which was plainly stated to be the western boundary of Trelawny's and the eastern boundary of Cammock's patent;⁶⁵ yet Winter, without the shadow of a right, had crossed the Spurwink and seized upon certain grass lands which he coveted lying in the bends of the river and belonging to Cammock, claiming that the latter's line should not follow the sinuosities of the stream, but run due north on a straight line from the river's mouth. This unwarranted claim was persevered in, and the troubles growing out of it forced upon Sir Ferdinando Gorges' attention,

session of their house on the Spurwink, and complacently wrote home to his principal June 18th, as follows:

"At the maine we haue built no house, but our men liues in the house that the old Cleues built, but that we haue fitted him som what better, and we haue built a house for our pigs. We haue paled into the maine a peece of ground Close to the house for to set Corne in, about 4 or 5 akers as neare as we Can Judge, with pales of 6 fote heigh, except the pales that the

old Cleues did sett vp, which is but 4 foote & $\frac{1}{2}$; he had paled of yt about an aker & $\frac{1}{4}$ before we Came their, & now yt is all sett with Corne and pumkins."

64. *Vide* Trelawny Papers, p. 56. He went home in the Speedwell, the unfortunate vessel which caused the Pilgrim fathers so much trouble, and which, having been subsequently repaired, was chartered by Robert Trelawny for a voyage to New England.

65. *Vide* Trelawny Papers, p. 63.

attention, who having no personal knowledge of localities, would, it was doubtless believed, be likely to settle the matter by a further grant of land ; indeed, this claim was simply a sinapism to be applied to the old Knight's generous nature, and proved successful, for Sir Ferdinando, to pacify the aggressors, who claimed that they were deprived of their proper rights by Cammock, who had essayed to protect his property from unjust seizure and occupation, gave orders to his nephew, William Gorges, his Deputy Governor of New Somersetshire, to enlarge Trelawny's patent "towards the River of Casco some two thousand acres more and cause a perfect plott thereof to bee made that soe I may passe vnto him such further Graunt thereof as shall serv to his liking." This order was dated the eleventh of August, 1636,⁶⁶ and was probably one of the results of Winter's visit to England, although Winter himself had left the country some time before this date and was then at Richmond's Island, which place he reached on the twenty-fourth of the preceding May. The visit of Winter to England, and his return with rumors of the enlargement of Trelawny's patent, must have increased the anxiety of Cleeve, for he knew his old enemy to be a man of energy and perseverance, jealous of rivalry in trade,

66. *Vide* Trelawny Papers, p. 98.

trade, and how far this enlargement of the Trelawny patent might affect him he could not know. He was also in danger from another quarter. Owing to renewed activity in the persecution of non-conformists, which Archbishop Laud⁶⁷ was prosecuting with terrible energy, great numbers of the subjects of Charles, largely of the better class, were fleeing from England and seeking refuge from oppression in New England; indeed, as Gorges expressed it, they were coming "in heaps," and available territory was being rapidly taken up by them. If he did not possess a legal title to the territory where he had planted, he was in danger of soon being crowded out by these emigrants; while if he possessed such a title, it might prove an important source of wealth to him. Hence he determined to cross the ocean and claim the fulfillment of the promise made him by Gorges some years before. This was no small undertaking, even for a man of means and leisure, neither of which

George Cleeve possessed. Up to the year 1636 no court had been established on the soil of Maine. Captain William Gorges, however, had been sent out by his uncle, Sir Ferdinando Gorges, as

Governor

67. William Laud, Archbishop of Canterbury, was one of the most notable ministers of Charles the First. In his tyrannical attempts to compel conformity to the Anglican ritual,

he aroused the popular fury which swept him to destruction. He was beheaded January the 10th, 1645, leaving the See of Canterbury vacant for a period of sixteen years.

Governor of his province of New Somersetshire, which comprised the territory lying between the rivers Piscataqua and Kennebec, and extending into the main land to the great lakes and the St. Lawrence River, then known as the River of Canada, including the islands along the seaboard.⁶⁸ The new Governor, upon his arrival, found affairs in disorder. Disputes with respect to property and differences between the people existed, which could only be adjusted by a proper legal tribunal, and one of his first cares was to set up a court at Saco, then the most flourishing town in the province. This court, which convened the twenty-first of March, 1636, was called the Court of Commissioners⁶⁹ and was composed of the Governor, Captain Richard Bonython, of Saco;⁷⁰ Captain Thomas Cammock and Henry Josselyn, of Black Point; Thomas Purchas,⁷¹ of Pejepscot;⁷² Edward Godfrey,

68. *Vide* Williamson's History of Maine, Vol. I, p. 256.

69. *Vide* Early Records of Maine, Vol. I, p. 1.

70. This town takes its name from *Showahotoc* or *Sawocotuck*, the Indian name of the place, which is said to signify the Burnt-pine-place. (*Vide* Language of the Abenagues, Maine Hist. Coll., Vol. IV, p. 192.) It is situated on the eastern bank of the river of the same name, about four miles from its mouth. For a more extended account, *vide* Trelawny Papers, p. 167, note 2.

71. Thomas Purchas was a man of considerable importance in the early history of the State. He is supposed to have come to this country as early as 1626, and lived to the extreme age of one hundred and one years. He was the founder of the town of Brunswick. He is supposed to have been a relative of Samuel Purchas, the author of the Pilgrimage, perhaps one of the "pore nephews" of that noted man. For an extended account of him, *vide* Wheeler's History of Brunswick, p. 788.

72. "That portion of the Andros-

Godfrey,⁷³ of Agamenticus,⁷⁴ and Thomas Lewis of Winter Harbor.⁷⁵ One of the cases before this court, which was held at the house of Captain Richard Bonython, was against Cleeve and Tucker for debt;⁷⁶ Cleeve was also fined for rash speech,⁷⁷ the nature of which, however, we are not informed of. At the next session of the court in September, the debt had not been paid and
a warrant

coggin River extending from Brunswick Falls to Merrymeeting Bay, and the adjacent land upon the South, was called Pejepscot. The word was originally applied to the water, and meant 'crooked, like a diving snake.'" *Vide* Wheeler's Hist. of Brunswick, &c., p. 5.

73. Edward Godfrey came to New England in 1629, as agent for Gorges and Mason, and built the first house at Agamenticus (York). He was a man of great activity and zealous in prosecuting his projects to a successful issue. He had the entire confidence of Gorges and held various important offices, finally succeeding Vines as Governor of that portion of the Province of Maine left to him after the adjustment of Rigby's claim. In 1656 he returned to England, where he persistently urged his claims, but without result, and in 1660, we find him an old man in Ludgate prison for debt, where he probably died in 1663.

74. *Vide* note 4, p. 255, Trelawny Papers.

75. Winter Harbor was at the mouth of the Saco, on its western shore, and was so named by Richard Vines in commemoration of the winter of 1616-17, which he passed there. Douglass' Hist. North America, Vol. I, p. 394, evidently supposing that John Winter resided there, makes the curious error of deriving its name from him. It is now known as Biddeford Pool and is a place of summer resort.

76. "Att a meeting of the Comrs. in the house of Capt. Richard Bonython, in Saco, this 25th Mch., 1636:

After debating of the busines by the Jurey betwene William Ryall, pla., Mr. George Cleves & Ri: Tucker defends., wheras the Jury gave 11:7s. 6d. to ye pla., defaultation to be maid for things omitted 2£ 16s. & 10d. Soe done at the plantation, 8£ 8s. 8d. to bee pd."

77. "Mr. Geo. Cleves for rash spech- es fined in Court, 5£." *Vide* Early Records of Maine, Vol. I, p. 2.

a warrant was granted to seize the property of Cleeve, Tucker not being mentioned in the warrant.⁷⁸ This gives us a glimpse of the financial standing of Cleeve at this time; indeed, we learn from Winter somewhat later, that his standing was such that his creditors were wholly unable to get their claims satisfied.⁷⁹ Poverty must, therefore, have been a serious obstacle in every path which he attempted to traverse. He, however, succeeded in passing to England, where we find him in the

78. " March 23th, 1636. It is this present day ordered by the Court in the case betwene Will^m. Ryall, plantife, and Mr. George Cleives, deft. that in regard the Jury have found eleven £ seaven shillings and six pence due to Will. Ryall, and that it appeareth that there was six weekes dyett and other small reconings omitted, wch doe amount to the some of 2£, 8s. 10d., wch being deducted yere will remayne 8£, 18s. 8d. due from Cleives to y^e said Ryall, wch money wee order shalbe paid by Cleives to Ryall wthin 15 dayes at Mr. Narias Hawkins house in Richmond Iland, under penalty of six £ more for non-payment therof. It is further ordered for the some of forty five shillings said Cleives is to have it out of Peter's wages, and to have respite till the 23th of 7ber for [payment] soe at present 6£. 13s. 8d.

William Gorges,
Richard Bonython,

Tho. Camock,
Tho. Purches,
Hen. Jocelin,
Edward Godfrey."

Noted on the margin of the record :
"A copy given to Mr. Cleeves the 10th of August, 1641."

79. Whereas Mr. George Cleives hath not paide the some six £ thirteen shillings and eight pence, unto William Ryall according to the order above specified. These ar therefore to authorize you in his maties name to make seasure and attach any maner of goods or chattells then belonging to the [said] Cleives for the full satisfaccion of the debt and penalty above specified, and this shalbe yr warrant. Given under our handes this 7th 7ber 1636.

To the Constable of Saco, These.

Rich: Vines. Rich: Bonython.

Tho: Camock. Thomas Lewis.

Vide Early Records of Maine, Vol. I, p. 5.

the latter part of 1636,⁸⁰ at a period when the public mind was much disturbed, and wide-spread discontent prevailed, on account of the unwise administration of affairs, civil and religious, by King Charles. A brief retrospective glance at events which had lately taken place will enable us to understand more clearly the situation of events at this time. The conflict, which had been raging with more or less intensity for a long time between the prelatical and non-prelatical parties, and which had sent across the Atlantic those two remarkable companies from the latter party, one of which settled at Plymouth and the other in Massachusetts Bay, had gained new force from the energy thrown into it by Laud, who, in 1633, was advanced from the office of Bishop of London to the Archbishopric of Canterbury.⁸¹ This prelate, who, in his narrower sphere as bishop of the metropolitan diocese, had put in motion various schemes to arrest the further progress of the Reformation, in a wider field, displayed new energies. Determined to uproot what he regarded as heretical at home, and to prevent acquisitions by the anti-Episcopal colonies in New England of heretical emigrants, a vigorous surveillance was kept upon departing vessels, and such men as Cromwell, Hampden and others, who later became

leading

80. *Vide* postea, Collateral Documents, No. I.

81. *Vide* Neal's History of the Puritans, Vol. II, p. 26.

leading spirits in the great rebellion, were prevented from leaving the country, as though Providence had reserved them, against their own volitions, to become the cruel instruments by which the people might be emancipated from a more cruel thralldom.⁸²

To the prelatical party Thomas Morton⁸³ belonged, and

82. Dr. Neal says—History of the Puritans, Vol. II, p. 342: "I pass over the lives of many other divines and substantial gentlemen, who deserted their native country, for the peace of their consciences; but it deserves a particular notice that there were eight sail of ships at once this spring in the river of Thames, bound for New England, and filled with Puritan families, among whom (if we may believe *Dr. George Bates*, and *Mr. Dugdale*, two famous royalists,) were *Oliver Cromwell*, afterwards protector of the commonwealth of England, *John Hampden, Esq.*, and *Mr. Arthur Haselrigge*, who, seeing no end of the oppression of their native country, determined to spend the remainder of their days in America; but the council being informed of their design, issued out an order, dated May 1, 1638, *to make stay of those ships and to put on shore all the provisions intended for the voyage.* And to prevent the like for the future, his majesty prohibited all masters and owners of ships, to set forth any ships for New England with pas-

sengers, without special licence from the privy council; and gives this remarkable reason for it: 'Because the people of New England were factious and unworthy of any support from hence, in regard of the great disorders and want of government among them, whereby many that have been well affected to the church of England have been prejudiced in their estates by them.' " This statement has received the support of Hume, Chalmers, Belknap and other eminent historians; but Bancroft, with nothing to support his view but faith in an ideal Hampden and the fact that the ship was finally allowed to depart and reached here without the two great Puritan leaders, arbitrarily disposes of it as a fiction, as he has disposed of the Norse voyages to this coast. *Vide Hist. of the United States*, Vol. I, p. 411, *et seq.*

83. For an account of Thomas Morton reference may be had to his memoir in "The New English Canaan," Prince Society's edition, Boston, A. D. 1883.

and he had been for some years actively plotting against the Massachusetts authorities, who had compelled him to leave New England. He had been in favor with Gorges, but his influence had waned on account of his want of principle. He, however, maintained a show of importance, and claimed to have the ear of authority; hence it was but natural that Cleeve, who had known Morton by reputation when the latter was in New England, and had, indeed, probably made his acquaintance when he was at Richmond's Island, should avail himself of such aid as Morton could give him. This Cleeve did, employing Morton while he was in London, as his attorney or "agent," as Gorges entitles him.⁸⁴ It should be remembered that Thomas Morton, Esquire, in London, a member of the royal party, was a very different individual from Tom Morton, the godless debauchee in Puritan Boston, and though Cleeve may have known his character, such knowledge affords no more ground of reproach against him for employing the talents which Morton evidently possessed, in speeding his plans to a successful issue, than against Sir Ferdinando Gorges and other honorable men who had employed them for a like purpose. We may also well imagine that a man like Morton would not be likely to place

84. *Vide postea*, Collateral Documents, No. IV.

to place the importance of the influence which he might possess, in a weak light; indeed, Gorges himself charitably calls Winthrop's attention to this point, as though he feared that the Puritan governor might unduly blame Cleeve for employing the former's most bitter enemy, using this language: "But a little to excuse him therein, for that it might bee he was soe perswaded vppon such promises as Moorton his agent assured him, who since is wholly casheered from intermedlinge with anie our affaires hereafter."⁸⁵ By this extract from a letter of Gorges to Winthrop, it appears that at the time when Cleeve allowed Morton to aid him in his business with the Council, at the head of which was Gorges, Morton had authority in some measure from the Council for "intermedlinge" with its affairs, as it was "since" that time that it had "casheered" him. That Cleeve did not adopt Morton's views, nor act with him in his schemes to injure the Massachusetts Colony, we well know. Among the many purposes which Laud fostered, was one to break the Puritan sway in Massachusetts, and to extend prelatical rule over America. It was already established in Virginia and to some extent in Maine, but Massachusetts was independent—a living, active, dangerous protest against the Episcopacy. To Morton the very name of Massachusetts

85. *Vide postea*, Collateral Documents, No. IV.

chusetts was distasteful, and Winthrop, who was the incarnate spirit of Massachusettsism, and whom he denominated "King Winthrop" and "Temperwell,"⁸⁶ was an abomination. Among many plots against Winthrop was one while Cleeve was in London, set on foot by Morton, certainly helped forward by him. Cleeve was expected to testify against the Puritan governor, and Morton, whom we must believe Cleeve had politically refrained from antagonizing by an expression of his views, must have been disappointed at the result, for Cleeve spoke so strongly in favor of the accused as to elicit from the King the remarkable expression that he was sorry that one so worthy as Winthrop should be obliged to suffer the hardships of America.⁸⁷

This

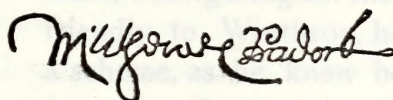
86. *Vide* The New English Canaan, pp. 63, 314

87. "Being the governour over the considerable part of New England," John Winthrop "maintained the figure and honour of his place with the spirit of a true gentleman; but yet with such obliging condescension to the circumstances of the colony, that when a certain troublesome and malicious calumniator, well known in those times, printed his libellous nick-names upon the chief persons here, the worst nick-name he could find for the governor was *John Tem-*

per-well; and when the calumnies of that ill man caused the Archbishop to summon one Mr. Cleaves before the King, in hopes to get some accusation from him against the country, Mr. Cleaves gave such an account of the governour's laudable carriage in all respects, and the serious devotion wherewith prayers were both publicly and privately made for his majesty, that the King expressed himself most highly *pleased* therewithal, only *sorry* that so worthy a person should be no better accommodated than with the hardships of America." Mather's Magnalia, (1636-7) Vol. I, page 120.

This fearless act of Cleeve in testifying before Archbishop Laud to the Puritan governor's godliness and wise government is indicative of remarkable courage and an active sense of justice, and offsets, if we had no other examples of Cleeve's magnanimity and fairness, the few opinions derogatory to his character which were entertained by those who were opposed to him religiously and politically. The times were ripe for plots and schemes. London, indeed all England, was infected with a moral miasma, noxious alike to prince and peasant. The tide of affairs seemed to be setting strongly in favor of Charles and Laud, and one standing in London while Cleeve was there, and looking across the Atlantic, must have felt that the feeble colony seated on the inclement shores of Massachusetts Bay would soon have to succumb to royal and ecclesiastical power. Gorges had a deep respect for Winthrop, which must have been shared by other fair minded and discerning men of the prelatial party, and it must have been evident to him and them, that such men as Winthrop, Endicott and others of like character in the Massachusetts Colony could not safely be ignored in any government which might be set up on New England soil; therefore a joint commission for the government of the whole of New England was considered. The separate governments

governments were ill organized and weak, hence the advantage of a joint government. Such a plan, to be under the Royal Seal, of which we unfortunately have no details,



was, it would appear from a letter of Cradock⁸⁸ to Winthrop, set on foot, and we may properly infer

that Cleeve had place in it as one of the commissioners.⁸⁹

The connection of Morton with this scheme naturally throws suspicion upon it, but it is not difficult to discern his motive. While he might desire to snuff out Winthrop's light at once, he would be overruled by wiser men who were in power, and believing that such a commission

88. Mathew Cradock's name long stood above Winthrop's as the first Governor of the Massachusetts Colony, having been the Governor of the Massachusetts Bay Company before the government was transferred to New England. Although he had large possessions in this country, he never came here, but continued to reside in London, where he was of great service to the Puritan Colony, whose interests were ever uppermost in his mind.

89. "We had news of a commission granted in England to divers gentlemen here for the governing of New England, etc.; but instead thereof we received a

commission from Sir Ferdinando Gorges to govern his province of New Somersetshire, which is from Cape Elizabeth to Sagadahoc, and withal to oversee his servants and private affairs; which was observed as a matter of no good discretion, but passed in silence.—As for the commission from the king, we received only a copy of it, but the commission itself stood at the seal for want of paying the fees.

"The party, who procured the commission, one George Cleves, brought also a protection under the privy signet for searching out the great lake of Iracoyce, and for the sole trade of beaver, and the planting of Long

mission would, at least, hamper his enemy, and tend to strangle his influence, he would favor it, being unable to secure a more effective plan. Cleeve, on the other hand, was figuring for his own advancement, and, though friendly to Winthrop, he might properly join in such a scheme, as he knew better than those not recently from New England could know, the power of the Puritan governor and his friends, and might opine that such a joint government might redound to the advantage of all concerned. This plan, however, never came to fruition, probably owing in a large measure to the firm and uncompromising attitude of Cradock towards it, and it was dropped for another but similar plan on a smaller scale.

This was a joint government for New Somersetshire, by Cleeve, Winthrop and others. It was a bold and magnificent scheme on the part of George Cleeve, taking his poverty and want of influence into account, for we must give him the credit of it since it was to redound almost

Island, by articles of agreement between the Earl of Sterling, Viscount Canada, and him. Thus this and other gentlemen in England get large circuits of lands, etc., in this country, and are very ready to grant them out to such as will become their tenants, and, to encourage them, do procure commissions, protections, etc., which

cost them nothing, but will be at no charge in any right way of plantation, which should be by coming themselves, or sending some of their children, etc.; but now, as they adventure little, so they are sure to lose nothing but their vain hope." Winthrop's Journal, Vol. I, p. 276.

almost solely to his benefit, and we can but admire his sagacity and skill in securing its adoption by Gorges. Indeed, there is but one theory which will account for Gorges' adoption of the joint government, and this is, that he prevailed upon the generous nobleman, who was already prepossessed in favor of Winthrop, to adopt his own high opinions recently expressed in the Star Chamber, of the Puritan governor's wisdom, integrity and ability, and of the advantages likely to accrue from having such a statesman interested in the affairs of the Province, which then possessed but the semblance of government. As for Morton, we can find for him no place in the scheme, and while we must suppose that he was cognizant of it, cannot suppose that he favored it. He was, at this time, a broken down adventurer, without influence, in fact, in a condition which would be likely to bring him under the domination of a strong mind such as Cleeve possessed, and to which he would yield for any momentary advantage. This plan of Cleeve reveals to us that his religious sympathies were with the Puritans, and opposed to the Episcopal regime existing in Maine under the fostering care of Godfrey, Vines, Josselyn and others. He was an Independent, religiously, and an antagonism naturally existed between him and the Episcopal party in Maine, for he was a man who uttered his views boldly, and

and in his advocacy of freedom, without doubt often trenched upon the borders of license; hence it was natural that those who believed that it was hardly less than treasonable to speak against the established order, should regard this bold man, given to rash speeches, as a fire brand of dissension. This antagonism had its effect in bringing to Winter's support, Vines, Godfrey and others possessing similar religious affiliations. With these Cleeve had an especial quarrel, and for the aid which they had rendered Winter, and perhaps for other causes of which no record exists, he brought a complaint before the Star Chamber, against Vines, Godfrey, Purchas and Winter, and procured a writ therefrom to compel them to appear there and answer to his charges.⁹⁰ This was a bold procedure, and one which we can hardly reconcile with the fact that these men were friends and proteges of Gorges, unless we regard it as a final act before leaving England, and after he had procured his patent and commission from Gorges. It was assuredly an impolitic act, as it was sure to create prematurely a strong opposition to him from these men and their many supporters in Maine, and to receive the condemnation of Gorges, but it reveals to us what was in Cleeve's mind. Realizing the weakness of Gorges on the one part,

and

90. *Vide postea*, Collateral Documents, No. VII.

and the inherent strength of the Massachusetts government on the other, both of which later were plainly to be seen of all men, he was counting upon an alliance with Winthrop and other ruling spirits in the Puritan commonwealth, which would enable him to maintain his position without let from the Episcopal party in Maine. Without such expectation this act would have been unwise in the extreme, and we are inclined to believe that Cleeve was too shrewd a man to invite the hostility of those in authority on the soil of Maine, without the prospect of an adequate compensation. Whether Morton acted in this matter as his attorney we know not. Possibly he did; nay, probably, and the subsequent knowledge of this act may have been a potent cause why he was "casheered" by Gorges. Certainly Cleeve's activity while in England met with extraordinary reward. He not only succeeded in obtaining a grant of Machigonne,⁹¹ the neck of land where he had planted, and where his family were anxiously awaiting his return, as well as the joint commission with Winthrop and others for governing the Province of New Somersetshire and the overseeing of the servants and private affairs of Gorges, already mentioned, but he so far ingratiated himself with that noble poet and generous promoter of American

91. *Vide postea*, Collateral Documents, No. II.

66 GEORGE CLEEVE AND HIS TIMES.

American colonization, Sir William Alexander, as to procure from him articles of agreement for the planting of Long Island, and, probably through Morton's suggestions and by his knowledge of methods, he secured a protection under the Privy seal for exploring Lake Champlain, and a monopoly of the trade in beaver in the territory to be explored, the wealth of which, as a fur station, had been extravagantly extolled.⁹² For this remarkable success of George Cleeve in impressing Sir Ferdinando Gorges and the Earl of Sterling⁹³ sufficiently to obtain from them such important concessions, we can account only by allowing him the possession of an excellent address and a commanding ability.

With the important documents which we have enumerated in his possession, Cleeve in the closing 1637. days of March, 1637, as we infer from a letter which

92. "Westwards from the Massachusetts bay, (which lyeth in 42 Degrees and 30 Minutes of Northerne latitude) is situated a very spacious Lake, (called of the Natives the Lake of Erocoise) which is farre more excellent then the Lake of Genezareth, in the Country of Palestine, both in respect of the greatnes and properties thereof, and likewise of the manifold commodities it yealdeth * * * * from whence Captaine Kerke of late,

by taking that plantation, brought home in one shipp (as a seaman of his Company reported in my hearing) 25,000 Beaver Skinnnes." *Vide The New English Canaan*, pp. 234-240 and ante, note 89.

93. An interesting memoir of this nobleman, by the Rev. "Edmund F. Slafter, may be found in Sir William Alexander and American Colonization." Prince Society, A. D. 1873.

which he bore to Winthrop,⁹⁴ set sail from Bristol for his home in the wilds of New England. He had no more than sailed, when Gorges, in a letter dated the 30th of March, informed Trelawny of the charges made by Cleeve against Winter.⁹⁵ Trelawny was greatly disturbed by this letter and made a passionate reply, justifying his agent's action toward Cleeve by asserting that the latter knew before the Council granted the patent of December 1st, 1631, to himself and Goodyear, that such a grant was to be made, and that he might have settled somewhere else than within the limits of the territory to be granted them. He, moreover, made grave charges against Cleeve, which find no warrant even in the letters of Winter, accusing him of doing his "people diuers wrongs, destroying of my hoggs, molesting my plantation & people, terrifying the Indians, saying if they Came neare any of my people they would hange them." He also insinuated that Cleeve had even spoken contemptuous words of the good knight himself, and desired that if he had not left the kingdom, that he should be made to yield up the lands where he was then seated on the Neck, which he claimed to be within the limits of the Trelawny patent. This letter shows that Trelawny was alarmed, and that he had not learned of
 the

94. *Vide postea*, Collateral Documents, No. III.

95. *Vide postea*, Collateral Documents, No. IV.

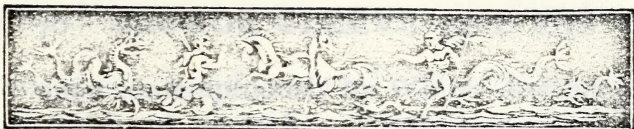
68 GEORGE CLEEVE AND HIS TIMES.

the patent to Machegonne which had already passed to Cleeve, but, perhaps, fearing that his rival might procure such a grant, thought best to bring this forcible indictment against him in order to frustrate his plans, if possible. He was, however, too late, for Cleeve, with his Patent in his possession, was speeding towards his home in Casco Bay. The work, however, of prejudicing Sir Ferdinando Gorges against him had already begun.



10. John Bickford was not a resident of Casco Bay, but was probably a fisherman or trader who had been and would be expected to be in the vicinity at the time. He lived at Casco Bay, New Brunswick, and had been long a resident of the Isles of Manx. *The Treasury Report*, p. 207, note 2. *Provincial Papers of New Brunswick*, Vol. I, pp. 214, 215, 216, 217.

11. George Frost worked at Windsor, where he appeared only as 1610. He was one of the good men in the town, and was the son of a settler in 1610. See his memoirs, *Provincial Papers of New Brunswick*, Vol. I, pp. 214, 215, 216, 217.



GEORGE CLEEVE reached home in the latter part of May or beginning of June, 1637. On the 8th of June, he took formal possession of Machegonne by turf and twig, from Arthur Mackworth, who was authorized to deliver possession to him. The delivery was witnessed by Thomas Lewis, John Bickford⁹⁶ and George Frost.⁹⁷ Probably his wife and daughter Elizabeth, Michael Mitton, who had accompanied him from England, Tucker and others friendly to him were present and helped to make the occasion a joyful one. It was a proud day for Cleeve, who, of late, was a poor squatter, pursued for debt, and looked upon

96. John Bickford was not a resident of Casco Bay, but was probably a fisherman or trader, who with Lewis and Frost happened to be in the vicinity at the time. He lived at Oyster River, New Hampshire, and had fishing interests at the Isles of Shoals. *Vide* Trelawny Papers, p. 329, note 2. Provincial Papers of New Hampshire, Vol. I, pp. 213, 309, 318, 561.

97. George Frost resided at Winter Harbor, where he appears as early as 1635. He was one of the grand jury in the case against Winter for extortion in 1640: but few memorials remain respecting him. *Vide* Trelawny Papers, p. 214. Early Records of Maine, Vol. I, pp. 51-60, 85, 95, 116.

upon contemptuously by Winter and his friends, for he now stood upon his own soil, the possessor of important privileges which would compel respect. The news of his prosperity spread quickly, and Winter at Richmond's Island soon heard of it, we must believe, with no pleasant feelings.⁹⁸ Cleeve, however, was master of the position, and we have no reason to suppose that he indulged in sentiments of sympathy on account of the discomfiture of his rival. Getting his more pressing affairs adjusted at home, he departed for Massachusetts Bay to see Governor Winthrop, whom he expected to interest in his joint government scheme, which would virtually give him the control of affairs in the Province of New Somersetshire. He was in Boston early in July, waiting upon Winthrop, to whom he presented the commission from Sir Ferdinando Gorges, which he had brought out of England; but, to his disappointment, the wise and politic Puritan governor was not disposed to receive commissions from a pillar of the prelatial party, or to recognize his authority in any manner; so, he called Cleeve's attention to technical errors in the commission—one of the commissioners named having gone to Connecticut, and the name of another being "mistaken." Doubtless Cleeve warmly urged Winthrop to favorably consider his plan; but Winthrop was not to be swerved from

98. *Vide Trelawny Papers*, p. 110, *et seq.*

from his decision, and "excused" himself from acting. He was, however, favorably disposed towards Cleeve, seeing in him, possibly, a future ally in the eastern Province, and being aware of the service the latter had rendered him before the Star Chamber. The motives of a man of consistent character like Winthrop can be more readily traced than those of one who had less definite principles of action. It may be truly said of him, that his life was the expression of law—hence we may seek, with some confidence in the result, for the motives which governed any particular action of his. In this case, he was but carrying out a purpose formed before he left England, which was to recognize no authority outside of the charter which he held and guarded with jealous care. He had pondered, before undertaking the colonization of Massachusetts Bay, the ample powers conferred upon Cradock and his associates by their charter, and realized the importance of bearing it to New England that he might exhibit, whenever occasion required, the authority under which he acted. Under his leadership not only the charter of the company, but the company itself, was virtually transported across the ocean and rooted in New England soil.⁹⁹

Those members who remained in England thus lost all

99. *Vide* Young's *Chronicles of Massachusetts*, p. 86. *Life and Let-*

ters of Winthrop, p. 344.

all vital connection with the living body on this side of the Atlantic. We know how he interpreted the powers conferred by the charter which he held; that he assumed them to be sovereign, and beyond nullification by the crown.¹⁰⁰ Every act was squared by this assumption, and he moved with extreme caution, avoiding every appearance of acknowledging any authority outside of his charter. To have accepted a joint governorship of New England would have been fatal to this assumption, and even the acceptance of a joint commission from Gorges to govern the adjacent province would have placed him under obligation to that nobleman, and have subjected him in some measure to his authority. With an eye single to the welfare and aggrandizement of Massachusetts, this was not to be considered for a moment, and any arguments which Cleeve might use would be wholly wasted upon him. Besides, lying beyond these considerations, which were sufficient in themselves, was another relating to his eastern boundary, which was not yet settled, and which, for aught any body might know to the contrary, might be found to lie as far east as Casco Bay. Failing in his mission to Boston, Cleeve returned home. In the meantime, Winter, Vines and others of the prelati- cal party in Maine, alarmed at the powers conferred upon one who in their eyes was untrustworthy, a dis-

senter

100. *Vide* Winthrop's Journal, Vol. II, pp. 340-345.

sender from the established order who would work only mischief in the Province, began to act. Winter at once wrote to Trelawny on the subject,¹⁰¹ and in his letter, penned while Cleeve was in Boston, makes the startling claim which it is evident had been discussed between him and Trelawny when he was in England, that the Neck which Cleeve had just taken possession of, was within the limits of Trelawny's "old" patent, the northern limit of which coincided with the northern limit of Cammock's patent of Black Point, or one mile up the River Spurwink.¹⁰² Winter denominates the original patent to Trelawny and Goodyear the old patent, to distinguish it from the subsequent grant of two thousand acres to be laid out "towards the river of Casco,"¹⁰³ which has been already mentioned as the result of the unjust trespass upon Cammock's rights. The wording of the Deed of Possession "to the River of Casco,"¹⁰⁴ plainly shows that the first could not have reached to that river, and yet Winter, in his letter of July 8th, to Trelawny, says that he "conceives" that Cleeve had built within the bounds of the old patent, although he was at least seven miles north of the mouth of the Spurwink, and beyond the northern limit of the second grant, which was ordered to be laid out north of the first grant. A document,

101. *Vide* Trelawny Papers, p. 110.

102. *Ibid.* p. 23.

103. *Ibid.* p. 99.

104. *Ibid.* p. 105.

document, however, has recently come to light, after a concealment of two and a half centuries, which reveals to us the fact that Winter knew, in making this claim, that it was not founded in right. Two years before, he had accurately noted down a survey of the "old" patent and sent the description home to Trelawny.¹⁰⁵ The points of the compass, bar in the river Spurwink, and adjacent islands, were carefully described, together with the turns in the river. In this description he says: "The River Spurwinke, after you are $\frac{1}{2}$ a myle wthin the bar, doth ly up N. E. by E. & Cut over to a great Cove that lyeth into the northward of Cape Elizabeth & Casko & is distant from the head of the River over to that Cove neare a mile. There is a Crike after you ar a myle & $\frac{1}{2}$ wthin the bar of the River Spurwinke, that lyeth away nearest N. W. & by N. that a little boote may go into yt at high water $\frac{1}{2}$ of a myle, & doth Com neare aboute a myle to the first arme of the bay of Casko that lyeth away to the westward & that arme of the bay of Casko doth ly away W. S. W. & as neare as I Can Judge Mr. Robert Trelawynes patten will Reach as far into the north as that arme of the bay of Casko, that he may go Round about his Patten with a boote wthin a myle $\frac{1}{2}$." From this and other minute descriptions, he says a map may be made if thought best; yet, in this letter he says:

" Thereis

105. *Vide* Trelawny Papers, p. 63.

"Thereis on that hath built a house a little above Cleves within your old patten as I Conceave." This house was on the Neck and north of the broad river lying between the Neck and Cape Elizabeth, which was designated in Cleeve's patent as the River of Casco. Winter was an aggressive man as well as Cleeve, and was ready to push this claim, however unreasonable, as an offset for any claim which might be made upon him for the ejectment of Cleeve from the Spurwink. The trouble soon began. On the 26th of July, following his return from Massachusetts, Cleeve, having received a letter from Sir Ferdinando Gorges, who had heard of the threatened troubles which he proposed to settle through arbitration by three disinterested persons, visited Richmond's Island, taking his patent with him, and comparing it with the copy of Trelawny's patent in Winter's possession.¹⁰⁶ The interview must have been a stormy one, as Cleeve served upon Winter before he left, a warrant to appear in England to answer to his suit for ejectment, and Winter, in return, warned Cleeve to leave the Neck, as it was the property of Trelawny, by the 29th of the following September, or "Myhellmas," as he denominates it.

It is to be noted that Winter, in his letter to Trelawny three days later, informing him of the particulars

of

106. *Vide* Trelawny Papers, p. 117

of this interview, designates the river separating Cape Elizabeth and Cleeve's Neck, as Machegonne was called, the "River of Casco."¹⁰⁷ This is important, as showing at this time that it had not occurred to him to claim that the Presumpscot, several miles farther north, was the Casco river, yet this was necessary in order even to throw the shadow of a doubt upon the validity of Cleeve's title. The necessity, however, of moving the Casco River north of the Neck, he saw upon subsequent consideration, and he seized upon it. Nor was it impossible to get testimony to support such a claim. A river flowing into Casco Bay, like the Presumpscot, might well have been occasionally called the river of Casco, by early voyagers to the bay. At the time, however, when Cleeve's grant was made, it bore its proper Indian name of Pessumpsca, or Pesumpscatowitt, and was designated by the former title in that grant, which should have settled the question. In any case, however, the Trelawny patent could not have been properly made to stretch over the Neck, as its northernmost limit was only a mile from

107. The exact words of Winter are:—

"He showed me [his] patten that Sir Fardinando Gorge hath granted him, & is for 1500 Akers of land from his house, & so up the bay & River of Casco above the falls about 1-2 a mile or more as he pretends."

From the position of Cleeve's house, which is well known to have been at Clay Cove, it is evident that Winter designates the river now known as Fore River as the "River of Casco," a fact to be particularly noted. *Vide* Trelawny Papers, p. 117.

from the mouth of the Spurwink. A more preposterous claim than this of Winter could not well have been made, yet he pressed it with an energy worthy of a better cause, as we shall see. He was troubled, however, by the prospect of having to appear in England to answer Cleeve's charges.¹⁰⁸ Cleeve certainly does not appear to disadvantage even in this letter written by his greatest enemy. He took his patent to Richmond's Island and compared it with Trelawny's, and, confident in the validity of his grant, was quite ready to have the dispute adjusted by "3 Indifferent men." He could do no more. There was no Court at the time in which such a case could be tried, and both parties figuratively rested upon their arms for a season. Winter pursued his fishing and trading operations at Richmond's Island with evident ability, and Cleeve and Tucker carried on a rival trade upon the Neck which was more accessible to the Indians who passed their summers about the shores of Casco Bay and the adjacent islands. Cleeve, however, was not allowed to rest in peace, for Vines and others, alarmed at his sudden elevation to authority and importance, which would be injurious to their interests, hastened to place him in a bad light before Sir Ferdinando's eyes. In this they were so successful that on August 23d, Gorges directed a letter to Sir Henry Vane, Winthrop, and others in

108. *Vide* Trelawny Papers, p. 118.

ers in Massachusetts, asking them to interfere in the controversy,¹⁰⁹ but Sir Henry Vane was already on his return voyage to England, and Winthrop, who had resumed the governorship, with his usual prudence abstained from meddling in the affairs of his neighbors. In this letter Gorges took occasion to assure Winthrop that he knew nothing of the particulars of the joint government scheme already alluded to, which was so obnoxious to Cradock and Winthrop, except as he received them erroneously from Cleeve, for whom he offers the excuse already alluded to, that he might have been himself misled by Morton. With all these influential enemies about him, Cleeve must have felt that his position was insecure, knowing as he did how those in power could accomplish their purposes. Even patents could be recalled if occasion required.¹¹⁰ Certainly it could have been with no pleasant feelings that he learned of the appointment of Sir Henry Vane, John Winthrop and other Massachusetts magistrates to enquire into his conduct.

109. *Vide* postea, Collateral Documents No. IV.

110. *Vide* the Commission of King Charles the First, for regulating Plantations.



THE year sixteen hundred and thirty-eight opened cold and wet. The seed rotted in the ground, increasing the labors of the overburdened planters, and, above all, the air was filled with threatenings of disaster. A great earthquake¹¹¹ 1638. in the beginning of summer caused the superstitious settlers to tremble with alarm at what many believed to be the near approach of the judgment day; indeed, the earth continued to shake at times during the year, as though the spiritual disturbances which were shaking the social foundations of the old world were finding physical expression in the new. Increasing ecclesiastical rigors were causing men to yearn for liberty even in a wilderness afar from scenes and associations dear to them, and an exodus to New England set in. In spite of a royal proclamation and the efforts of the Privy Council to prevent emigration, three thousand emigrants landed upon our shores before the year closed,

111. *Vide* Winthrop's Journal, Vol. I, p. 318, *et seq.*

closed, to aid in laying the foundations of a free commonwealth. Cleeve and Tucker were no longer alone upon the Neck. Their lands were being taken up by settlers, and a busy community was springing up about them. Among those who came into the vicinity was John Josselyn, the quaint author, then a young man, who crossed the ocean with his aged father, Sir Thomas Josselyn, to visit his brother Henry at Black Point, where he arrived in the month of July.¹¹² To John Josselyn we are indebted for many glimpses of the political and social condition of the times.

In the brothers Josselyn and Cammock, Michael Mitton, who had become the son-in-law of Cleeve by marriage with his daughter Elizabeth, must have found congenial fellowship, as they were, in the parlance of the times, gentlemen, and, without doubt, all "gentle sportsmen." Josselyn describes an evening which he spent with Mitton and others at Cammock's house some time after his arrival in the country. He denominates Mitton "a great fowler," and repeats several marvelous stories told by him and others, who took the occasion of the presence of a fresh young man from England, to draw the long bow for his especial delectation.¹¹³ The success of the romancists, who were doubtless mellowed by frequent draughts

112. *Vide Trelawny Papers*, p. 140.

113. *Vide Josselyn's Two Voyages*, p. 22.

draughts of generous sack and other seductive potables, is evidenced by the serious manner in which Josselyn repeats them. The unrestricted sale of intoxicating beverages was a great injury to the Colonists, and especially hurtful to the Indians, who were ready to part with any and everything which they possessed to obtain the coveted fire water.¹¹⁴ So serious did the evil of this traffic become, that when Courts were established, it was found necessary for the public weal to pass laws to regulate their sale. At Richmond's Island the importation of intoxicants was extensively carried on, the fish taken there and about Casco Bay being exported in Trelawny's ships to the West Indies, and there exchanged for various commodities of which intoxicating liquors formed an important part. Certainly they were the most potent attractions to the Indians, who were drawn by them to the trading stations, where men and women, old and young alike, were destroyed by their use. Religious influence at this time on the coast of Maine was feeble. Richard Gibson,¹¹⁵ a young Episcopalian and graduate

114. *Vide* Josselyn's Two Voyages, p. 108.

115. Richard Gibson came to New England under the patronage of Trelawny, probably accompanying John Winter on his return voyage to Richmond's Island in the spring of 1636. He preached at the Island somewhat

less than three years, when, having married the daughter of Thomas Lewis, of Saco, he removed to Portsmouth, N. H. He preached there and at the Isles of Shoals until 1642, but "being wholly addicted to the hierarchy and discipline of England," and counseling the people to revolt

graduate of Magdalen College, was settled at Richmond's Island, and without doubt labored faithfully among the rude settlers in the vicinity, but the field was stony, and he does not appear to have been successful in its cultivation. It must be admitted that the Puritan discipline in Massachusetts had a most excellent effect upon society, inducing order where chaos would have else prevailed, and that in the settlements nominally under Episcopal rule, society was in a less orderly condition. Edward Trelawny¹¹⁶ bears witness to this, yet it is unfair to make Episcopalianism in any degree responsible for the disorderly state of society in the eastern settlements, since it was not sufficiently rooted in New England soil to bear its proper fruit. Such men as Underhill, who was prominent at Piscataqua, Burdet and Knollys, who preached there, although inimical to the Puritan government, and sufficiently in alliance with its enemies in England to send home to them the gravest

of

against the authority of Massachusetts, he was brought before the Court at Boston and "committed to the Marshall," but having "made a full acknowledgment of all he was charged with, and the evil thereof * * he was discharged without any fine or other punishment," and immediately left the country.

Like so many others, he appears to

have subsequently modified his views, for many years after he was ejected from his living at Cherry-Orton, in Huntingdonshire, for non-conformity. *Vide* Winthrop's Journal, Vol. II, p. 79. A continuance of the account of the Ministers Silenced, &c., by Edward Calamy, D. D., Vol. I, p. 534.

116. *Vide* Trelawny Papers, pp. 78-81.

of charges, were not Episcopalians. The governing men like Neal, Godfrey, Vines, Cammock, Josselyn and other able and excellent gentlemen, who gave character to the eastern settlements, were Episcopalians, but the mass of the inhabitants were confusingly heterodox. The hostility to Massachusetts bore its legitimate fruit. Although the astute Winthrop and his able coadjutors were in sore trouble on account of peremptory demands from England to send home their patent, compliance with which would have been fatal to their authority and discipline, they nevertheless gave notice to the authorities of Piscataqua that they should "survey" their "utmost limits and make use of them." What this meant was well understood at Piscataqua, but how strange such a notice would have sounded to the dwellers on the shores of Casco Bay. The time, however, was to come when this eastern boundary of the Massachusetts colony was to be pushed eastward until it included them.





SIR Ferdinando Gorges had drawn upon himself the censure of zealous churchmen and others who were opposed to him, for making, it was alleged, the possessions in New England, which he controlled as one of the Council, "The receptacle of divers sorts of sects,"¹¹⁷ and this, with other vexatious matters difficult to adjust, caused the Council to surrender its patent to the Crown, which at once parceled out the territory among the members of the Council.¹¹⁸ Sir Ferdinando was a favorite of Charles, and received from that generous monarch, on April 3, 1639. 1639, a charter of the territory extending "From the Piscataqua to the Kennebec, and up these rivers to their furthest heads," or until one hundred and twenty

117. This extract from *America Painted to the Life*, shows the true state of affairs in the Province. The government, which was Episcopalian, was unjustly made to bear the odium resulting from disorders which prevailed among adventurers who flocked

into the Province and who had no religious affiliations with the ruling power.

118. *Vide* Records of the Council, pp. 75-83. The Brief Narration, Maine Hist. Coll., Vol. II, p. 54.

twenty miles were completed, with all the islands within twenty leagues of the coast.¹¹⁹ The name given to this territory was the Province or County of Maine, and it was the intention of the Lord Proprietor to accompany the Councilors whom he selected to New England, and with them to organize his government therein; but, being prevented from carrying out his intentions, he sent in his place his deputy and kinsman, Thomas Gorges.¹²⁰ To settle the religious difficulty, the forms of ecclesiastical government peculiar to the Church of England were set up in the New Province;¹²¹ indeed, the propagation of religion had alway been a conspicuous motive in settling the New World.

Juan de Cosa, in his remarkable map, depicts Columbus as Saint Christopher, bearing Christ upon his shoulders through the seas which separate Europe from America,¹²² and Hakluyt, in 1584, heads the first chapter of his "Discourse" in this wise: "That this Westirne discoverie will be greately for the enlargements of the gospel

119. *Vide* Early Records of Maine, Vol. I, pp. 15-49.

120. Thomas Gorges was a cousin to Sir Ferdinando, and had but just finished his studies at Westminster when he was called to fill the place of Sir Thomas Josselyn in the new government. He filled the trying

office of Deputy Governor of the Province acceptably until 1643, when he returned to England.

121. *Vide* The Brief Narration, p. 55. Early Records of Maine, Vol. I, pp. 15-49.

122. *Vide* Select Letters of Columbus, Hakluyt Society.

gospel of Christ,"¹²³ making this theme the burden of his discourse. At a later day, Captain John Smith says to the king: "I doubt not but you will seeke to the prime authority of the Church of England,"¹²⁴ and Cotton Mather makes the ecclesiastical history of New England the subject of his fluent pen, while we know that the governing idea with the French king was to establish Catholicism in the New World. Certainly the establishment of a church in the wilderness which should teach its peculiar views, was the dream of every sect of religionists which looked across the Atlantic for a home. Massachusetts had set Puritanism upon a strong seat within her domains, and Sir Ferdinando Gorges, whose charter gave him almost royal powers, desired to counterbalance her influence by setting up in his Province of Maine, an ecclesiasticism of regal magnificence. To this end, he made Gorgiana, now the little town of York, the seat of his government, and created for it almost as many offices on paper as there were inhabitants in the town. The Province of Maine he divided into eight bailiwicks, and these, into sixteen several hundreds, and into parishes and tithings, as the people might increase. A governor, lieutenant-governor and chancellor; a treasurer for the receipt of the public revenue; a marshal

123 *Vide* Me. Hist. Coll., Doc. Series, Vol. II, p. 7.

124. *Vide* Advertisements for the Unexperienced, p. 57.

marshal of militia; a judge marshal and officers of the marshal's court; an admiral, with his lieutenant or judge, to determine maritime causes; a master of the ordnance, whose office was to take charge of the public stores belonging to the militia for sea and land, and a secretary for the public service of the governor and council.¹²⁵ A more brilliant scheme, and one more impracticable, never sprang from a fervid brain, and of course it challenged the hostility of Massachusetts, although Gorges politely wrote to Winthrop that he had given his deputy "command to be carefull to doe his best, that all fayre correspondence be maintayned between those two severall Plantations, as a speciall means by God's favour to give furtherance to the happiness thereof."¹²⁶ In appointing his officers, Gorges ignored Cleeve, who was thereafter his opponent. As soon as the new government had fairly settled itself in the Province, it opened a Court at Saco, on June twenty-fifth, 1640.

In this Court Cleeve occupied a conspicuous position. He was chosen foreman of the grand jury, and must have enjoyed the confidence of the Court, since a number of cases were referred to him for arbitration.¹²⁷ This is noticeable, as Godfrey and Vines,

125. *Vide* The Brief Narration, p. 55.

126. *Vide* Mass. Hist. Coll., Fourth

Series, Vol. VII, p. 332.

127. *Vide* postea, Collateral Documents, No. V.

Vines, who were openly hostile to him, were members of the Court.

It will be remembered that Cleeve had procured out of the Star Chamber, three years before, a writ to compel them as well as Winter and Purchas to appear before the high Court to answer charges preferred by him against them. Godfrey was obliged to proceed to England to answer for himself, Vines and Winter; but the charges not being sustained, he procured "against Cleeve an order out of the high Court of Starr chamber for costs in that Court, by a speciall writt," amounting to twenty pounds. He had pressed Cleeve for payment of this order, but without success, and at this, the first Court under the new government of Gorges, he presented this order. We learn from a letter of Vines to Governor Winthrop, what Cleeve's answer to Godfrey respecting this writ from the Star Chamber was. It was bold and characteristic of the man, and was to the effect that they had "No power to levy money here vpon any writts that come out of England," and that he would "answeare it from whence it came."¹²³ This answer was probably better than he knew it to be, for although Gorges may have written to Vines, as the latter declared to Winthrop, to "see that Mr. Godfrey have right

right in this case,"¹²⁹ he would hardly have ventured to establish so dangerous a precedent in his Province, as to acknowledge the jurisdiction of the high Court of Star Chamber in it, by enforcing its writ against Cleeve, and the matter appears to have come to nought. Other suits were brought against Cleeve and Tucker at this first Provincial Court,¹³⁰ but Cleeve himself was the most important litigant in it, for having now an opportunity of getting a legal adjustment of his claims against Winter, he availed himself of it by setting in motion two actions against him, one for the value of his property near the Spurwink, which Winter had appropriated to his own use,¹³¹ and the other for disturbing him in his possession, of the Neck.¹³² In the first case, Cleeve set forth the title to his former place of settlement on the Spurwink, claiming remuneration for his improvements there. He based his claim first, upon a promise made to him by Sir Ferdinando Gorges, previous to his emigration to New England, of a grant of territory to be selected by him; and second, upon a conveyance to his partner, Tucker, in which he shared, from Richard Bradshaw, who had been put in possession of the territory referred to

129. *Vide postea*, Collateral Documents, No. VII.

130. *Vide postea*, Collateral Documents, No. V.

131. *Vide* Early Records of Maine, Vol. I, pp. 71-78. Trelawny Papers, pp. 209-214, 225-231.

132. *Ibid.*

to by Captain Walter Neal, the accredited agent of the Lords Patentees. From the fact that Cleeve made no mention of the patent to Bradshaw, bearing date November 1st, 1631, which has already been referred to, we may properly infer that he relied solely upon Bradshaw's preempted right, which would equitably entitle him to damages, though it would not give him a legal title to the land. In the second case, Cleeve set forth his title to Machegonne, declaring that he first took possession of it under a proclamation of King James, which "gave vnto every subiect of his, which should transport himselfe ouer into this Country vpon his owne charge, and for every person that he should soe transport, one hundred and fiftie acres of land, which Proclamagon standeth still in force to this day," and afterwards "desirous to enlarge his limits in a lawfull way, addressed himselfe to Sir Ferdinando Gorges, the Propriator of this Province, and obtained for a sune of money and other considerragons a warrantable lease of inlargement, bounded as by relation therevnto had, doth and may appeare," and that Winter, "without any demand or title pretended, being moued with envie and for some other sinister cause, hath now for these three yeares past and still doth vnjustly pretend an interest, and therevpon hath and doth still interrupt me to my great hindrance,

hindrance, thereby seekeing my Ruine and vtter overthrow."

To the first suit, Winter answered at the next session of the Court, held at Saco, the eighth day of September following, denying Cleeve's lawful possession of land at **Spurwink**, he having no "lawful grant from Sir Ferdinando Gorges," nor from Bradshaw, who possessed no title to the land referred to, since Neal "had then no power from any of the Lord Pattentees to dispose of any land within this Province, but only in Pascattaway."¹³³ His reply to the second case was, that Cleeve "was never lawfully possessed of that tract of land in Casco Bay, which he calleth by the name of Machigonie;" that with respect to the proclamation of King James referred to, he denied "that then there was, or is, any such proclamation now in force," and claimed that Cleeve "cunningly and fraudulently, by false informacon, obtained a lease from Sir Ferdinando Gorges," and that "Sir Ferdinando Gorges, finding himselfe much abused by the plaintiffes wrong informacon, hath giuen expresse order by his 'tre to Mr. Richard Vines, his Steward Generall, to put the defendant in possession of the said land."¹³⁴ He also attempted to show that Machegonne was within the limits of the first Trelawny patent, by producing testimony

133. *Vide* Early Records of Maine, Vol. I, pp. 71-78. Trelawny Papers,

pp. 209-214, 225-231.

134. *Ibid.*

testimony to prove that the Presumpscot River was originally called the Casco.¹³⁵ It is not strange that a river flowing into Casco Bay should at times have been called the Casco River, by persons unacquainted with its Indian name, but certainly Cleeve did not deceive Gorges in calling it by its proper Indian name of *Presumpsca*, the same name by which it had been called in the patent to Mackworth before Cleeve obtained his grant. Mackworth had lived for a long time upon its banks, near the Indian settlement, and must have been more familiar with the river and its history than any one else, yet neither he nor any of the Indians were called to testify, which is certainly most significant. No other testimony could have been so important to Winter as Mackworth's, could he have testified in his favor, and the fact that he was not called by Winter to testify is presumptive evidence that his testimony would have been adverse to his claim; although, if Mackworth had testified that he had heard the Presumpscot called the Casco, it should not have affected Cleeve's title, since it must have been apparent to all who examined the Trelawny patent, that it was not the intent of the grantor to extend its northerly boundary so far. Both cases were decided in favor of Cleeve. In the first case, he was awarded

135. Vide Trelawny Papers, p. 239.

awarded damages, by the jury, to the amount of eighty pounds sterling, with four acres of ground and the house at Spurwink, and judgment was given upon the verdict by the bench, Richard Vines alone dissenting.¹³⁶ In the second case, however, his right was so clear, that even Vines joined with his associates in giving judgment upon the verdict in his favor, although Winter had stated in his answer, that Vines held an order from Sir Ferdinando Gorges, to put him in possession of Mache-gonne. A third suit was brought by some of Winter's neighbors against him for extortion.¹³⁷ It would appear from a letter of Godfrey to Trelawny, that Cleeve was instrumental in setting this suit on foot.¹³⁸ Be that as it may, the Court properly decided that it had no right to determine what profit a man should put upon his wares. The judgment of the Court having been rendered against him in both cases, Winter at once entered a prayer for stay of judgment and an appeal to Sir Ferdinando Gorges.¹³⁹ This was followed by affidavits from Josselyn and Vines, based upon their personal survey of the property

136. *Vide* Early Records of Maine, pp. 71-78. Trelawny Papers, pp. 209-214.

137. *Vide* Trelawny Papers, pp. 209-214.

138. "This Turbulent fellow heere fyrst comenced per waie of presentment to fynd Mr. Io. Wynter for re-

grating, fore staling, & extorting; then Comenced ten Actions of many hundered of £ more then ever hee was worth." *Vide* Trelawny Papers, p. 240.

139. *Vide* Trelawny Papers, p. 233.

property taken from Cleeve by Winter, to show that the award of the jury was excessive.¹⁴⁰ Godfrey, who had joined his associates in rendering judgment adverse to Winter, hastened to write to Trelawny to excuse his action.¹⁴¹ The letter was filled with personal abuse of Cleeve, and contained the advice that if Sir Ferdinando Gorges "Cannot rectify you, then make your remonstrance to the Lords Comitioners, get a Comition to those yt have pattentes, other wyse noe help, for here planters would have all Com'on." This letter can hardly fail to suggest to the mind that suppleness to power so common at that time, and indeed, so necessary to personal comfort and advancement. Godfrey was within the immediate influence of Thomas Gorges, a young man of an independent and just spirit, as yet certainly free from local prejudices, whose action in this and subsequent cases shows him to have been a man of strong convictions, and one not to be swerved from a course which he deemed right. Godfrey had united with him in these judgments in favor of Cleeve, but remembered him of the powerful Trelawny across the seas, a pillar in the ecclesiastical establishment to which he owed allegiance, and hastened to assure him of the continued warmth of his hostility to Cleeve, and to suggest

140. *Vide* Trelawny Papers, p. 241.

141. *Vide Ibid.*, p. 240.

gest a way by which this judgment, which he himself had acquiesced in as a just one, might be overruled in favor of the English magnate. While such a suggestion may seem strange to-day, to one who has observed how the course of justice was obstructed and often turned aside by royal power, which was utilized by those in royal favor, it is seen to be only in accordance with a theory of government then prevalent, but soon to become obsolete. The trouble between Winter and Cammock still continued. Although Gorges had given Trelawny two thousand acres of land to settle the matter, Winter still held Cammock's land. The tenacity with which he held a position, right or wrong, which he had once taken, and the impossibility of adjusting a matter in dispute with him without yielding everything claimed, is noticeable throughout the record which Winter has left. He coolly wrote Trelawny at this time that there was still a dispute between him and Cammock, relative to land on Cammock's side of the river, and that the latter "still Claims a myle vp the River Spurwinke,"¹⁴² which was exactly what his patent gave him, and about which there could be no reasonable question. Winter, however, acted as though he believed that persistence would finally infuse validity into a claim, however insubstantial at the outset, and if we take his success as proof of the correctness

of this

142. *Vide* Trelawny Papers, p. 248.

of this belief, he was right. His prayer for a stay of judgment in the suits of Cleeve was not heeded and execution was issued. The marshal, knowing the man he had to deal with, took a force of thirty men with him when he went to the island to levy the execution, but did not succeed in levying it, being kept at bay by Winter's men and finally forced to give up the undertaking.¹⁴³ Winter, having resisted the officers of the new government when in the performance of their duty, was fain to give them a wide berth thereafter, but being obliged to go to the Bay on business, was forced by stress of weather to put into the harbor of Accomenticus, and Thomas Gorges, hearing of this, at once sent his officers aboard his vessel and arrested him, compelling him to give a recognizance to appear at the next Court, to answer for resisting the officers of the law.¹⁴⁴ During the year, began the first financial panic recorded in New England Annals. Emigration, which had for some time been large, almost ceased; in fact, more left the country than came into it, causing an ever increasing dearth of money, and consequent decline in values, especially in cattle, then an important element of wealth, which declined to one-fourth of their former value. So scarce was money, that

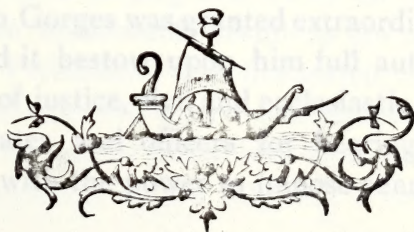
Indian

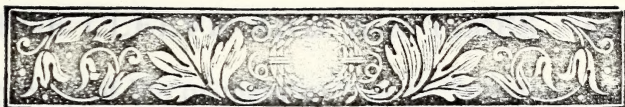
143. *Vide* Trelawny Papers, pp. 252-254.

144. *Vide Ibid.*, pp. 255-257.

Indian corn was made a legal tender for four, rye for five, and wheat for six shillings a bushel.¹⁴⁵ The stoppage in emigration was due to causes in the mother country. Unwise and cruel use of power by the government had aroused the spirit of liberty throughout the English realm, and the result was a struggle, in which liberty gained a firmer foothold. There was no longer occasion to flee from the scourge of intolerance, which Laud had wielded so persistently with royal approval; indeed, men who had pined for the pleasant fields of Old England, began selling their property, that they might obtain the means of returning home. All this, however, did not serve to abate the interest in the contest being waged between the dwellers on the Neck and those on Richmond's Island, but each party gathered all available means for success at the approaching session of the Court.

145. *Vide* Hubbard's *New England*, pp. 238, 246.





THE Court convened at Saco on the 25th of June, and found Winter ready for action. He began by presenting to the Court a petition, in which he set forth that on account of the unjust verdict of the jury he was "moved to forbear & 1641. avoyd the levyeing"¹⁴⁶ of the execution of the Court, hoping to be able to make the injustice done him appear to Sir Ferdinando Gorges and the Commissioners, and then proceeded to attaint the jury, which, in view of the heinousness of the offence as expounded by Coke, and the terrible penalties attached to it, and then familiar to all, coupled with the absence of any proof of the truth of his charge, was a proceeding outrageous and inexcusable. By his charter, Sir Ferdinando Gorges was granted extraordinary powers. Not only did it bestow upon him full authority to establish Courts of justice, civil and ecclesiastic, to appoint judges, magistrates and officers for hearing and determining causes, with the power to impose penalties, extending to the

146. *Vide Trelawny Papers*, p. 267, *et seq.*

the "taking away of life or member," or to "pardon, remit and release all offences and offenders" in the Province, subject only "to the power and regement of the Lords and other Commissioners here for foraigne Plantations for the time being," but it gave him still larger powers with respect to property, in these words: "For all whatsoever doth, shall or may concerne the proprietic of the said province, partes and coasts of the same, or any of them, or any ownership in any lands, tenements or other hereditaments, goods or chattells, or the nominating or appointing any officer, or officers, the same is left wholly to the said Sir Ferdinando Gorges, his heires and assignes, according to the tenor, intent, and true meaning of these presents."¹⁴⁷ In this case, Winter could not appeal to the Court of King's Bench, as it was a question of property and wholly within the limits of Sir Ferdinando Gorges' power, hence his attempt to attaint the jury, attaint being an offence against the King, by which he hoped to get his case removed for decision to England, where he probably had little fear of an unfavorable result, as his principal was a member of Parliament and influential, and influence counted then to an extent hard to realize now. Although attaint would lie against jurors who brought in a verdict contrary to evidence, we are told that it was "not easy, because

147. *Vide* Early Records of Maine, Vol. I, p. 21.

because they may have evidence of their own conusance of the matter by them, or they may find upon distrust of the witnesses, or their own proper knowledge."¹⁴⁸

The point upon which Winter relied in urging his plea for attaint against the whole jury, was that "Captain Thomas Cammock, one of the enquest, moved with envy" against him, affirmed that he did not believe the testimony of John Mills, one of Winter's witnesses, which he claimed both weakened and made void the evidence which had been adduced to show that the Presumpscot was the river formerly known as the Casco, and that "a taynt in one" was "a taynt in all."¹⁴⁹ This plea, in any way it is looked at, appears weak, since the law recognized the proper finding of a verdict by a jury "upon distrust of the witnesses;" but its weakness was not considered a moment. It was so high handed and unjust, and involved such momentous consequences to the Lord Proprietor and his government that its weakness escaped notice. Imagination may well place before us the assembly of planters and fishermen thronging the Court at Saco, rough but thinking men, who had left the pomps and precedents of the Old World for freedom and justice in the New, and may partially enter into their feelings as they listened to Thomas Gorges while he read

148. *Vide Jacobs' Law Dist.*, Vol. I, p. 167.

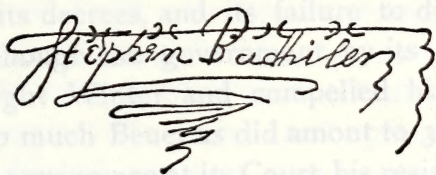
149. *Vide Trelawny Papers*, p. 263.

read from the precious volume of the English law, which he had brought with him into the wilderness, the terrible penalty which would fall upon Winter's neighbors if his plea of attaint should prevail, as it might, even though jurors were innocent of any intention of injustice in their verdict; for, if perplexed by confusing arguments and misleading statements of counsel, with no clew to guide them through a labyrinth of conflicting testimony, they were unfortunate enough to bring in a verdict contrary to the evidence, as interpreted by the judge, they were open to attaint. The injustice of Winter's procedure, and, above all, the attempt to introduce into this infant Court the tyranny which found its proper atmosphere only within the hated precincts of the Star Chamber, were sufficient to move the hearts of those who listened to Gorges, with indignation. Such an appeal, too, if successful, would establish a precedent at conflict with the chartered rights of the Lord Proprietor. This question threw the Court into commotion, and the magistrates were perplexed to know how to meet questions of appeal. It was finally solved by the appointment of an umpire, to whom appeals could be taken and whose decisions were to be final. The umpire chosen was the Rev. Stephen Bachiler,¹⁵⁰ of Massachusetts. This case, however,

150. The Rev. Stephen Bachiler was at this time eighty years of age.

Being unsuccessful in his ministry, he returned to England in 1651, where he

however, was not carried to him on appeal, but 'both cases which Cleeve had won, together with an action for defamation of Winter's wife, brought by her husband against Cleeve, were referred to four arbitrators, Bachelor acting as umpire.



Both parties bound themselves in an assumpsit of a thousand pounds to abide by the decision of the arbitrators "for the finall ending of all controversies betweene them."¹⁵¹

This action of Cleeve, in consenting to the arbitration of causes already decided in his favor, and upon which execution had issued, thereby taking the hazard of a new trial, we must regard as favorable to him and exhibiting a desire to have an end of litigation; but, though each party bound himself to faithfully abide by the award of the arbitrators, we learn from the Rev. Robert Jordan, in a letter to Robert Trelawny,¹⁵² that Winter cherished a secret design to eventually over-ride the award, if it was not in his favor, on the ground that he was coerced. The fact was, that Winter's armed resistance to the officers of the government, when sent to

died in 1660, in the one-hundredth year of his age. An extended account of him may be found in the Trelawny

Papers, p. 270, note 3.

151. *Vide* Trelawny Papers, p. 272.

152. *Vide Ibid.*, pp. 314-320.

to enforce the execution of the Court against him, was considered, as it was, a grave offence, especially by the deputy governor, whose dignity was affronted. It was the first attempt of the new government to enforce one of its decrees, and its failure to do so was humiliating. Although the government, by its vigilance, had finally caught Winter and compelled him to deposit with it, "So much Beuer as did amont to 30l sterling," to secure his appearance at its Court, his resistance to its authority was not forgotten, and when he put in a plea of attain against the jury, which was also a reflection upon the magistrates who affirmed the verdict and granted execution upon it, it was like pouring gun-powder upon a slumbering flame, and an explosion was the result. Jordan tells us that the deputy governor declared that it was "Insufferable that the consciences of the jurors should be questioned by Winter, and the jurors being hasty to enter actions of slander against him," so that he felt compelled to acknowledge himself in the wrong and present another petition. This document is unique in its sophistry. After charging the jurors with the criminal weakness of having been instigated by Cleeve to perjure themselves, he declares that "he hath a tender care and respect towards their fame and reputation," and humbly prays to be allowed a new traverse in his suit,

that

that he may be freed from further trouble in the matter, as otherwise he may be compelled "to prove the taynt or hazard a ffine vnto our Soueraigne Lord the King, which he should be loath to vndertake if it otherwayes may be."¹⁵³ Mackworth at once began suit against him for damages; besides, the former grievance of resistance to the authorities was intensified by the charge of attain against the jurors, and warrants were issued against Winter's retainers, who had accompanied him to Saco in his own vessel, and who were doubtless not a little proud of their former achievement; and we are told that even the deputy governor publicly threatened that "if they came not, They (That is, the Prouine power) would burne the shipp;"¹⁵⁴ yet, as soon as Winter evinced a proper spirit, by agreeing to submit to arbitration, which he should have been willing to agree to without pressure, since it was an equitable way of adjusting the matters in dispute, the government showed leniency and magnanimity by recalling its warrants and quashing all proceedings against him. The result of the arbitration was in favor of Cleeve. For his house and land at Spurwink, the arbitrators awarded him sixty instead of eighty pounds damage, probably on the ground that there was less land "impaled" by him than he claimed, and, consequently

153. *Vide Trelawny Papers*, p. 268.

154. *Vide Ibid.*, p. 319.

sequently less than the jury based their verdict upon. With respect to his title to Machegonne, the arbitrators fully confirmed the verdict of the jury, while in the action brought against him by Winter for defaming the latter's wife, they required the defendant "to Christianlie acknowledge his fayleing" to the Court and Mrs. Winter.¹⁵⁵ Cleeve had now had his title from Gorges confirmed by the government of the Province, and had submitted to a final arbitration, by arbitrators properly chosen, who had re-confirmed it. This, it was to be supposed, settled the question as to the validity of his title to the Neck, but we shall see that his opponents thought otherwise. Shortly after the reference to arbitration, apparently entered into in good faith by both parties, Winter informed Trelawny of the fact, and stated that submission on his part was enforced by the threatened arrest of men at a time when he needed their services, men who, as we already know, had resisted the mandate of the Court.¹⁵⁶

The action of the government in attempting to maintain its authority by the enforcement of its laws, is ascribed to the influence of Cleeve, whom Jordan was ready to charge with being able "to deceaue the wisest brain." When we consider that in the Council were such

155. *Vide* Trelawny Papers, p. 272.

156. *Vide Ibid.*, p. 280.

Thos Gorges

such men as Thomas Gorges, Richard Bonython and Henry Josselyn, we must, if we adopt these estimates of

Cleeve made by his opponents, attribute to him an ability beyond what a zealous partizanship would be likely to accord him. A statement, however, by Winter, which follows the one adverted to, leads us to suppose that the preceding may be an efflorescence of prejudice, colored by admiration. It is to the effect that Winter knows no reason for Cleeve's action "except his desire to be to worke his malice to hinder our proceedings, hoping to bring vs to the pas he is him selfe."¹⁵⁷ Cleeve's endeavor to maintain the justice of his cause in Court, and according to the forms of law, seeking a legal adjustment of clearly equitable claims, cannot fairly be ascribed to malice, through a desire to reduce his opponents to the condition of poverty in which it is intimated he was himself. It seems but the well thumbled story of the blindness and arrogance of power. Cleeve was a poor but bold, aspiring man; Winter an inferior, representing a rich and powerful patron. If we take into account the theory then prevalent regarding the comparative rights of the strong and the weak, we shall see that the very position of the parties with regard to each

other

157. Vide Trelawny Papers, p. 280.

other are indicative of the nature of the relations which must have necessarily existed between them. Trelawny was powerful, a member of the British Parliament, and on friendly relations with the Lord Proprietor, while Cleeve, as has been said, was poor, but bold and aspiring; given to a free utterance of his opinions, otherwise to "rash speeches," a thing then intolerable and entitling a man to the odious agnomen of public nuisance; indeed, according to the justice then prevalent in the Old World, such a man might properly lose his ears or a finger or a hand, to teach him the respect due to the established order of things, *a Deo et rege*—the order established by Divine right. The acts of such a man could only spring, from a malicious desire to reduce the rich and powerful to his own low level. Such a view is justified by contemporaneous history, but for its justification in this case we need only to study Trelawny's orders to his agent Winter, and his arrogant attitude towards the Provincial government. Winter was advised that the Lord Proprietor had entertained his appeal and issued orders to stop all proceedings, and moreover had written his deputy governor and Council, giving his own opinion of Cleeve and his views with regard to the Casco River, but at the same time was authorized to pay Cleeve one-quarter of the amount awarded him by the jury for his property on the

on the Spurwink ; namely, twenty pounds, or as much less as he could be induced to accept. Orders were given to Winter to commence a new suit for the possession of the Neck, and the hope was confidently expressed that the government would cause the ejection of the trespasser therefrom.¹⁵⁸ In the parallel claim to land on the western side of the Spurwink, the particulars concerning which we are already familiar with, Winter is told to "keepe the possession of what you have had on either side."¹⁵⁹ This unjust claim of a few acres of marsh land on Cammock's side of the river, and which had served as the occasion of the grant of two thousand acres of some of the best land on the Cape, was not to be considered settled at all, but was to be persevered in under that prevalent rule of ethics, so provocative of rebellions and revolutions, namely, "seize what you can ; hold what you seize."

Perhaps what was considered a sufficient ground by Trelawny for renewing this claim was found in the sympathy which Cammock had evinced for a fellow-sufferer similarly situated with himself ; certainly no better ground is apparent. The closing instructions to Winter are the most remarkable and should be quoted in full. They are as follows : "In Cause Justice be not

158. *Vide* Trelawny Papers, p. 273.

159. *Vide Ibid.* p. 274.

not donn you, send me ouer a Certificate, and I shall send a warrant hence from the Parlament to Bringe them all ouer here to Answer itt, where I beleiue the will not Justifie there doeings. All things, thankes be to God, goes well in Parlament. Many Plotts and Traysons have binne discourd. The Kinge is very Gracious. Hope within a very few dayes we shall settell Religion in peace and Restore the subjecte to his Ancient Liberty & Righte of Propertye."¹⁶⁰ To the Provincial government his tone was arrogant in the extreme. The threat that they might all be carried over to England to answer for their alleged injustice, was strengthened by a suggestion that their acts were treasonable, as they would be considered in England as "amakeing of warr one the King's peopell." To understand the confident tone of Trelawny at this time, we should reflect upon the conditions under which he wrote. The brave Strafford¹⁶¹ had gone to his

160. *Vide* Trelawny Papers, p. 274.

161. Thomas Wentworth, Earl of Strafford, was executed May 12th, 1641, at the age of forty-eight. He was created Earl of Strafford only the year before and made Lord Lieutenant of Ireland, and shortly after Commander-in-Chief of the royal troops against the Scots. Having been defeated in the battle of Newburn, and being unpopular with Pym and other Parliamentary leaders, he

dreaded the assembling of Parliament and desired the King to permit him to return to Ireland; but was assured by the pledge of the royal word that "not a hair of his head should be touched by Parliament." Parliament, however, impeached him for treason, and the clamor for his life was so great that Charles wavered in his determination to save him, and having been advised by Strafford himself to sign his death warrant

to his execution, and Archbishop Laud, the arch persecutor of the Puritans, was pining in the tower. The persecuted had in turn become persecutors—the like had produced its like. Yet affairs were fluctuating. The royal cause would be in the ascendancy to-day, the popular cause to-morrow, the king all the while never losing confidence in the final success of his cause, since he well understood the dissensions which existed among his opponents.

A single bond only held them together, but it was one of terrible strength, a strength which he was incapable of estimating, and which he was impotent to sever. This bond was the dogma of the Divine right, which had been forged through long years of oppression, strengthened by James and cherished by his amiable but unfortunate son. Trelawny wrote during one of those periods when the royal cause was uppermost. Had it triumphed, the position which the writer occupied would have enabled him to carry out all that he threatened. Charles, whose position was so precarious, was “very gracious” to those who were friendly to his cause, and

for the sake of the public peace, he yielded to the demands of Strafford's enemies and set his hand to the fatal document which was to send to the scaffold his most noble and faithful friend. *Vide* Cooper's Life of Straf-

ford, London, 1874, Campbell's History of the Great Rebellion *in loco*, and Knowler's Letters and Dispatches of Strafford. A portrait of him is preserved in the old Wentworth house at Portsmouth, N. H.

and in a time when everything went by favor, either royal or parliamentary, the most favored was certain to triumph. It will be difficult for us to-day in free America, or free England, to rightly appreciate the potency of such threats as those made by a member of the British Parliament in 1641 to a provincial jury, unless we are acquainted with the history of the times. We are told by Hume, who is amply sustained by other writers of note, that "There scarcely occurs an instance in all these reigns that the sovereign or the ministers were ever disappointed in the issue of the prosecution. Timid juries and judges, who held their offices during pleasure, never failed to second all the views of the Crown. And as the practice was anciently common of fining, imprisoning, or otherwise punishing the jurors, merely at the discretion of the Court, for finding a verdict contrary to the direction of these dependent judges, it is obvious that juries were then no manner of security to the liberty of the subject."¹⁶² Examples of the truckling of judges to royal power are given by Campbell,¹⁶³ and we may correctly opine what the result would have been in the conflict between Cleeve and Winter, had the royal cause been successful in the struggle which was taking place

162. *Vide* Hume's *Hist. of England*, Ed. 1803, Vol. VI, p. 413.

163. *Vide* Campbell's *Lives of the*

Chief Justices of England, Vol. I, pp. 213, 223, 242, *et passim*.

place in England, between prerogative and popular right. The very ring of Trelawny's words to the Provincial Council directly, and through his agent indirectly, suggests that he intended to impress them with the idea that the one who uttered them was an influential member of a Parliament likely to continue for many years, whose position was secure and whose power could not be disregarded with impunity, especially in the near future, when the troubles which were preventing the government in England from exercising its authority in America were settled. But the scroll has been unrolled before our eyes, and we can see how blind were the actors in this momentous drama to the true condition of things about them. Perhaps the signs of coming events were never plainer to read than when Trelawny penned his threats to the Provincial Council. A great revolution had begun, and forces which no human power could control were at work destroying the foundations of the "established order," that a new and better order might be possible, yet Robert Trelawny, doubtless as wise as his compeers, complacently wrote to his agent in New England, that he hoped that "within very few dayes wee shall settell Religion in peace and Restore the subjecte to his Ancient Liberty & Rights of Propertye." A few months later, he was himself languishing in

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in Winchester House, "A Prisoner according to the sadness of the Times," from which death was to alone release him.





IN the spring of 1641 Robert Jordan, who has before been mentioned, entered upon the scene and took the place made vacant by the Rev. Richard Gibson, who had been sent to Richmond's Island by Robert Trelawny to establish Episcopal worship there. Gibson, however, after

many differences with Winter and "some troublous spirits" in the neighborhood, had removed to Piscataqua and there established a church.

Robert Jordan was at this time about twenty-eight years of age, having matriculated according to the register of Oxford University in the summer of 1632, at the age of nineteen. He probably took Episcopal orders not long previous to his coming to New England, which was about two years

previous

previous to this date. Jordan was a man of ability, an intense partizan, and therefore a valuable acquisition to Winter, whose quarrels he warmly espoused. In Sarah Winter he saw more attractions than his predecessor had discovered, and in a short time she became his wife.

It is to his letter bearing the somewhat pedantic 1642. date of "die July vlt 1642,"¹⁶⁴ that we are indebted for many interesting particulars concerning the legal conflict between Cleeve and Winter, already familiar to us. The advent of Jordan infused new energy into Winter's cause, and we should doubtless have seen a new move upon his part, had it not been for more important events transpiring in the Old World, which affected the relations of men in the New. The year 1642 was pregnant with momentous events. Rumblings of the great revolution which had begun in England were blown across the ocean, arousing either hopes or fears in the breasts of those who listened, in accordance with their sympathies for or against the royal cause. All at once, as though a sudden light had been flashed upon it, royalty was seen by the popular eye to be but a thing of tinsel, unfit to wield the power which of right belonged to the people. It was not strange that Puritan New England listened complacently as it heard of the progress of the popular cause, the final triumph of which would relieve

164. *Vide Trelawny Papers*, pp. 314-320.

relieve it of the dangers which had menaced it from its birth. This sudden change in the current of events was a boon to Cleeve. The success of the popular cause would be of greater importance to him than the acquisition of Jordan by his rival. The threats which Trelawny had recently made to summon him and all disposed to render him justice, to England, to answer before a tribunal which would have prejudged his case, now possessed no terrors for the offenders. The sagacity and energy of Cleeve were now displayed. He saw his opportunity, and at once determined to avail himself of it.

The Company of Husbandmen who came over to Maine in the Ship Plough, in 1630, with a patent for forty miles square between Cape Porpoise and the Sagadahock River, but who shortly after dispersed, has already been spoken of. This Company had emigrated to Maine about the time of Cleeve's emigration hither as before stated, and he was doubtless acquainted with some of its members, as well as its patent, which had been in the hands of Richard Dummer of Newbury, Massachusetts, for several years, Dummer having been made an associate member of this Company in 1638.¹⁶⁵

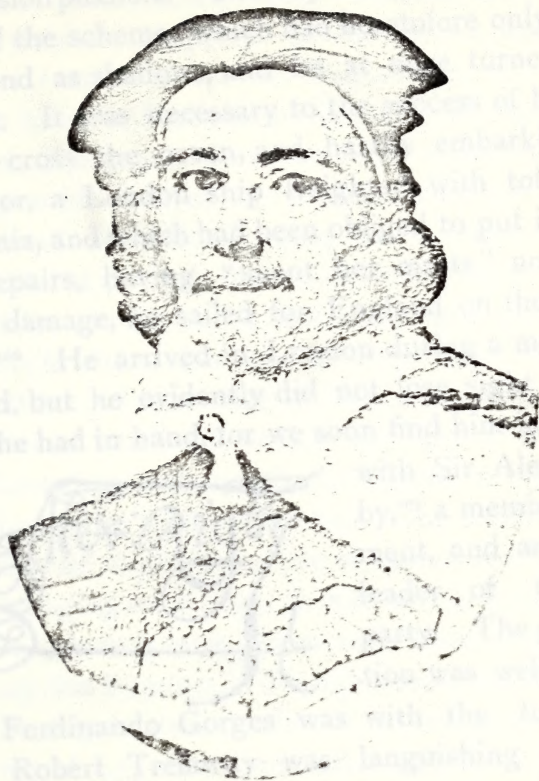
We may well believe that many schemes had shaped themselves to the imagination of Cleeve, which the possession of this patent might make possible realities,

but

165. *Vide* Hubbard's Indian Wars, Vol. II, p. 87, *et seq.*

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but he had neither means nor influence to make his possession possible. The way was opening for the realization of the scheme, and he was only waiting to turn his mind as to how to carry it out. He turned his steps into it. He was necessary to the success of his plans to again cross the Atlantic, and he was embarking on the Eleanor, a ship which had just returned from Virginia, and which was to be put into Boston for repairs. The ship was damaged, and received other damage on the 9th day of June. He arrived in Boston on the 10th of June, and he was in the city for a most exciting period, but he was not able to do much. He was near he had in his mind to do much more.

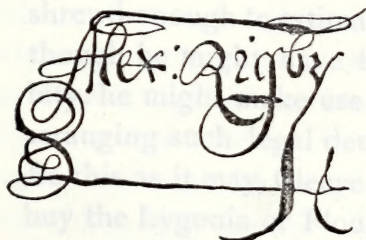


PORTRAIT OF ALEXANDER RIGBY,

FROM A MINIATURE ON IVORY

BY OLIVER THE YOUNGER.

but he had neither means nor influence to make its possession possible. The way was opening for the realization of the schemes which had heretofore only existed in his mind as shadows, and he at once turned his steps into it. It was necessary to the success of his plans to again cross the ocean, and hastily embarking on the *Eleanor*, a London ship freighted with tobacco from Virginia, and which had been obliged to put into Boston for repairs, having "spent her masts" and received other damage, he sailed for England on the 4th day of June.¹⁶⁶ He arrived in London during a most exciting period, but he evidently did not lose sight of the business he had in hand, for we soon find him in conference



with Sir Alexander Rigby,¹⁶⁷ a member of Parliament, and an influential leader of the popular party. The great revolution was well under way.

Sir Ferdinando Gorges was with the fugitive king, and Robert Trelawny was languishing in prison,¹⁶⁸ to which he had been unjustly committed by his

Puritan

166. *Vide* Winthrop's Journal, Vol. II, p. 75. Trelawny Papers, p. 322.

167. For an account of Sir Alexander Rigby, *vide* Trelawny Papers, p. 365, note 3, and an article by Dr.

Chas. E. Banks, in *Maine Historical and Genealogical Recorder*, Vol. II, No. 1.

168. *Vide* Trelawny Papers, p. 24.

Puritan enemies. Cleeve found himself in the midst of friends. Even Tom Morton, who was whilome a staunch supporter of the throne, and ready to crop the ears of a Puritan Republican, was, for the nonce at least, a Parliamentarian, and as ready to persecute an Episcopal Royalist. He doubtless met Cleeve upon his arrival in London, and, as of yore, represented himself as being in confidential relationship with the party in power, especially with Rigby who was daily coming more and more into distinction. How much Cleeve used him we know not. There is nothing, indeed, to show that he had any connection with him. Cleeve had been bred in the school of men, and was shrewd enough to estimate Morton at his true worth, and though he might have but little confidence in his probity, he might make use of him in reaching men and in arranging such legal details as his business required.¹⁶⁹ Be this as it may, Cleeve succeeded in inducing Rigby to buy the Lygonia or Plough patent and to appoint him to the very important office of deputy governor of the Province of Lygonia,¹⁷⁰ which province we know included the territory occupied by his enemies, Vines, Godfrey, Winter and others. This was a grand *coup*, securing as it did

169. Morton was the accredited solicitor of the Council for New England, and employed by that corporation to prosecute a suit for repealing

the Massachusetts Charter. *Vide* Records of the Council, p. 81.

170. *Vide* Winthrop's Journal, Vol. II, p. 186.

did for himself the powerful protection of Rigby who was the nominal governor of the new Province, a man whose position was secure, and who would have Parliament behind him to enforce his authority.

But Cleeve recognized the difficulties in his path. A defacto government was exercising its powers under the royal grant to Gorges, and at the head of that government were men of ability and energy who would not yield up the reins readily. Vines and Godfrey were the men he most dreaded, indeed, his most powerful enemies in the Province. It was a political necessity to break their influence. He had formerly made charges against them before the High Court of Star Chamber, which he had not followed up, and he would make another attempt to cripple their power. We are not to suppose that he had no basis upon which to found charges against them. It was not difficult to find grounds for charges of irregularity in any of the governments of the New World. The very conditions under which such governments existed often made proceedings not in strict accordance with the laws of the realm, in a certain degree, necessary. Such charges were made against Massachusetts, whose government was the best in New England, and made upon valid grounds. Cleeve, therefore, without doubt, founded his charges upon specific

cific acts of Vines and Godfrey, very likely done in good faith, and, perhaps, under the circumstances necessary; but, after all, sufficient to warrant an opponent in making charges of misgovernment. It was necessary to present his charges to Parliament, and this he did in the form of a petition to appoint a commission of men in New England of high character, the peers of the accused men, like Governor Winthrop, Arthur Mackworth, Henry Boade and Captain Edward Gibbons,¹⁷¹ to examine and act upon the charges preferred against them.¹⁷²

From certain depositions afterwards made it has been asserted that Cleeve attached to his petition the names of some of his neighbors, without their knowledge or consent, or, in other words, that he resorted to forgery, and this alleged act has been hitherto made to throw a shadow upon his name. Happily, this is the only matter of moment which it is necessary to remove to leave his fame fair, and this is remarkable when we consider that the records of his day are so crowded with accusations and apparent proofs of wrong doing against men occupying positions less likely to create antagonisms than he occupied, and whose memories have never been assailed by

171. Captain Edward Gibbons was a brother of Ambrose, who was prominent in the early history of Portsmouth. He was an eminent merchant of Boston and had extensive dealings

with Virginia and the West Indies. He was also active in the military affairs of the Commonwealth.

172. *Vide postea*, Collateral Documents, Nos. XI-XVIII.

by adverse criticism. It is unfortunate that this petition has not come down to us, that we might understand the precise manner in which the names of Cleeve's neighbors were used.

All that we have are the depositions taken by his antagonist to be used in Court, which would of course be put in as strong language and be made to appear as much to his disadvantage as possible. There are two depositions, the first signed by nine persons, and the second by one, namely, Francis Robinson.¹⁷³ The first simply sets forth that the deponents "never gave orders to Mr. George Cleves of Cascoe to prefer any petition or to exhibit any articles in Parliament against Mr. Richard Vines. Neither did wee either see or knowe of the said articles or petigon untill the said George Cleaves did come last out of England," and further that they could not testify to the things therein contained. The deposition of Francis Robinson has an additional clause, intended to make it appear that Cleeve had resorted to forgery, but as an illustration of that saying, that every poison has its antidote near at hand, this mischievous clause has in it a refutation of its own intent.

Thos. Jenner

It is to the effect that the Rev. Thomas Jenner,¹⁷⁴ the good Puritan pastor, asked Cleeve, probably having

173. *Vide postea*, Collateral Documents, No. XVII.

174. The Rev. Thomas Jenner enjoys the distinction of being the first

ing heard reports of the transaction "Why he putt men's hands to a petigon that they never saw, & he said his answer was the Parliament bid him doe it."¹⁷⁵ We are not for a moment to suppose that the Parliament ordered him to forge names to his petition, and certainly it would be nearly as unreasonable to suppose that he could have been so foolhardy, nay, such an imbecile, as to say that Parliament bid him commit forgery, for a statement so palpably false to the weakest intellect would only submit him to instant condemnation. A better theory and one which meets all requirements readily presents itself to the mind, and this is, that when Cleeve presented his petition to Parliament he was ordered to write upon it the names of such persons as he thought he could rely upon to aid in substantiating his charges, which he did by writing upon it the names of persons residing in the Province, and cognizant of the acts charged. It may be objected that possibly the petition was drawn before his departure from home and carried by him to England. There is no proof of this, and besides, it would be going to unnecessary trouble and risk—to consider no higher reasons—for Cleeve to forge men's names to a petition, when, from what we know, it must

Puritan Minister of Maine. He preached in the Province about five years, and then returned to England, where he died. *Vide* Trelawny Papers,

p. 353, note 1.

175. *Vide* postea, Collateral Documents, No. XX.

must have been easy enough to get signatures to it among the enemies of Vines. It was desirable to meet Cleeve's move with a counter one, and a ready method suggested itself, which was to make it appear that he used the names of others unlawfully. It was an ingenious move, but resulted in nothing. The deponents stated, doubtless, the exact truth; namely, that they knew nothing about the petition before Cleeve went to England, and it should not surprise us that they could not or would not testify to the truth of the charges. There is really nothing in these depositions to injure the character of Cleeve when they are analyzed and the circumstances surrounding them considered. The petition to Parliament resulted in the appointment of a commission to the persons referred to above, to enquire into the charges preferred against Vines and Godfrey, and with this in his possession, with his commission as deputy governor of the new Province of Lygonia, and an order to Dummer to deliver to him the parchment in his possession, Cleeve again turned his face towards New England.



WE know not the exact date of George Cleeve's arrival in Boston, but have no reason to doubt that it was in the latter part of 1643.¹⁷⁶ He at once paid his respects to Governor Winthrop and doubtless imparted to him stirring news relative to the 1643. progress of the popular cause, of which he had been an eye witness. Thomas Gorges, owing to the troubles in England, had felt obliged to return home, and had

176. It has been inferred that Cleeve returned to New England with Thomas Morton, as the latter was with him at Rigby's seat in the County of Lancaster May 23d, as appears from his signature as a witness to the grant of Casco Neck to Cleeve by Rigby, and from the fact that both appear here at periods not far removed from each other, as well as from the following extract from a letter of Edward Winslow to John Winthrop, dated :

"Sept. 11, '43.

"As for Mr. Rigby if he be so honest, good and hopefull an instrument

as report passeth on him, he hath good hap to light on two of the arantest known knaues that ever trod on New English shore, to be his agents east & west, as Cleves & Morton: but I shall be jealous on him till I know him better & hope others will take heed how they trust him who investeth such with power who haue devoted themselves to the ruine of the Countrey as Morton hath."

This is, however, an unwarranted inference and from Cleeve's letter to Winthrop of "27th of the 11th month," the inference is more forcible that he returned later than that

For Winslow.

had left Richard Vines in the seat of authority in Maine, and knowing well what a difficult task he had before him to oust Vines from the government of the Province, backed as he was by the ablest and most influential men in it, Cleeve sought the assistance of Massachusetts, whose sympathy would naturally be with Rigby and opposed to Gorges, under whom Vines was acting.¹⁷⁷ The Massachusetts authorities were unquestionably tempted to assist the new government in Maine, as it would greatly extend their political influence to have a govern-
ment,

unpopular individual, who was in Plymouth early in the 7th month. Besides Winthrop says in his Journal, Vol. II, p. 186, that Cleeve landed in Boston, which Morton would not have dared to do. The real motive for the former inference is the allusion in the above extract from Winslow's letter, associating him and Morton as co-agents of Rigby. This allusion, however, had no basis in fact, as Morton was not an agent of Rigby, but made use of his usual arts of deception to further temporary ends. This is well shown in his Memoir prefacing the New English Canaan, by Charles Francis Adams. Morton could not have been Rigby's agent west, since Rigby had no property there, but Morton probably

threw out mysterious hints that his pseudo patron had acquired, or was soon to acquire, important rights west of the Province of Maine. As Winslow believed Cleeve to be associated with his worst enemy, his expression "two of the arrantest known knaves," should not be allowed to prejudice us against Cleeve, any more than similar expressions freely used by respectable men of this time against Winthrop and others of fair character, should be. The latter clause of the extract, it will be seen, is carefully limited to Morton, as though Winslow did not care to go so far in his condemnation of the one as of the other.

177. *Vide postea*, Collateral Documents, No. IX.

ment in that Province acting under their protection, but the prudence which ever actuated them directed their course at this juncture, and they concluded not to act directly in the matter, but to allow their Governor to write unofficially to Vines with whom he was on friendly terms, and advise him of the transfer of power to Rigby and his representative, Cleeve.¹⁷⁸ It was astounding news to Vines and his associates, and exasperating to the last degree. They naturally regarded Cleeve as a penniless adventurer, and thought that they foresaw an upheaval of public order, in which the base and ignorant would gain the ascendancy. They therefore determined to hold their position and resist all encroachments upon their authority. Finding that the letter of Governor Winthrop did not have the effect he hoped it might have, Cleeve began to take measures to establish his authority in the Province. In doing this he resorted to no rash measures; indeed, Williamson declares that "he adjusted his conduct by rules of strict prudence and moderation."¹⁷⁹ In studying the history of this period, we are obliged to rely largely upon letters of Cleeve and Vines to Governor Winthrop, which are, of course, colored by partizan prejudice, hence we should be careful not to allow ourselves to take sides too readily with either

178. *Vide* Winthrop's Journal, Vol. II, p. 186.

179. *Vide* Williamson's Maine, Vol. I, p. 296.

either party. We well know, by ample experience, how in all contests, either civil, political or religious between men, the contestants appear to each other worse than they really are, and in the conflict which we are now considering, each party appeared to the other as a wrong doer and meriting condemnation. We should therefore confine ourselves to specific acts and, so far as possible, draw our conclusions from these.

According even to Vines, Cleeve only took such steps as seemed necessary to enable him to peaceably attain power. First he nominated his officers, and then called a "Court" or convention to assemble "in Cascoe Bay the 25th of March," giving at least a notice of two months in advance, thereby avoiding the appearance of hasty action, and allowing ample time for the people to consider and discuss the proposed change. In the mean time he sent Tucker through the Province with a paper for the signatures of all who approved of his course.¹⁸⁰ Vines, however, opposed him in every possible way; indeed, he would have been recreant to the trust imposed upon him by Gorges had he failed to do so. At every step Cleeve found an obstacle to surmount. Many serious legal questions were thrown into the arena and engaged the attention of opposing partizans. Cleeve claimed rightly that the Lygonia patent issued by the Council

180. *Vide postea*, Collateral Documents, No. VIII.

Council for New England who held their charter from King James, antedated all other patents granted by them, within its limits; that, indeed, legal possession by turf and twig had been delivered to the patentees before any other patent within their limits had been granted, and, hence, that it was the only legal conveyance of the territory which it covered. Indeed, he had considered his own patent from Gorges to Machegonne as subject to the Lygonia patent, and had taken care to procure a new patent thereto from Rigby, to confirm his former title.¹⁸¹ On the other hand, the opponents of Cleeve raised a question, certainly obscure, respecting the validity of the royal charter to the Council for New England from whom the Lygonia patent was derived. If the charter to the Council was invalid, its patent to the Company of Husbandmen was invalid, according to the maxim, *ex nihilo nihil fit*. This question was based upon a supposition that the charter was originally granted by King James upon a misconception of facts. But it was further asserted that if the charter was valid, it had been surrendered subsequently by the Council, and the land parceled out among the members, the territory in question having been granted to Gorges with full powers of government from King Charles, rendering the power of government granted to the Lygonia

181. *Vide postea*, Collateral Documents, No. XIII.

Lygonia patentees void. If, however, it was simply a question of priority of title, then Sir Ferdinando Gorges was entitled to the territory, as a grant of it had been made to him and Mason in 1622.¹⁸² When we consider that Gorges was the controlling manager of the Council for New England, and joined in conveying to the Company of Husbandmen this title, it is difficult to see how anything short of a re-conveyance of it to him by the grantees could re-instate him in the title after he had once divested himself of it. It would be a strange perversion of justice, if, after a corporation had disposed of its property, it could surrender its charter and its members could regain the property disposed of by a new grant from the original grantor, yet the argument used by Cleeve's opponents would seem to point to such a conclusion. As a matter of fact, however, when the Council for New England surrendered its charter, its grantees were provided for by a reservation of all prior grants and existing rights,¹⁸³ hence the Lygonia patent was not as Vines claimed, "a broken tittle," but a sound one. Gossips were plenty, and every word and act were of course exaggerated. Rumors constantly reached Vines of violent measures to be adopted by Cleeve and his friends, for the Province was suddenly divided into

two

182. *Vide* Williamson's Maine, Vol. 1, p. 296, *et passim*.

183. *Vide* Records of the Council p. 78.

two parties, republican and royalist, as though a line invisible, but stronger than steel, had been drawn between men, separating them more effectually than any barrier which human ingenuity could contrive.

In his alarm Vines looked towards Massachusetts whose authorities he distrusted, and used such policy as he thought best to make her withhold assistance from his rival. He wrote Winthrop that Cleeve was abusing Sir Ferdinando Gorges, branding him "with the foule name of traytor by curcumstance," accusing him of counterfeiting "the King's broade Seale," and reporting his death; but he carefully reminds the governor of news just received, which imported that this powerful man was still "in good health with a restauragon of his possessions agagne."¹⁸⁴ This was a fair stroke of policy and served to remind Winthrop of the danger he might incur by becoming a supporter of such libels against one so powerful, and would have had its effect, had not Winthrop, long before, marked out a strict policy of non-intervention in the affairs of Gorges' province. This letter is creditable to Vines and shows him to have been able and of an excellent spirit, holding the rights of others in trust and guarding them jealously and wisely; indeed, his position naturally enlists our sympathies in his behalf. Although the Province was in a condition of excitement which

184. *Vide postea*, Collateral Documents, No. VIII.

which would have enabled a rash and turbulent man to have united a strong opposition against the government of Vines, and to have, perhaps, overthrown it by force; Cleeve exercised a wise forbearance, and displayed a determination to attain his ends by lawful means alone; hence, after a consultation with a number of the inhabitants of the Province, at his house, he caused to be prepared a petition addressed to himself and Vines and signed by all present, to submit the questions of title and government to "the worthy magistrates of the Massachusetts," until a final decision could be obtained from England, and Vines tells us that this petition was emphasized by the declaration that the signers would obey neither government until some decision could be reached.¹⁸⁵ This petition disturbed Vines, as he did not like to be placed in an attitude which would appear one of distrust towards Massachusetts by refusing her arbitration, although he secretly might distrust his Puritan neighbors, and yet he felt obliged to decline the proposal of arbitration, as he did not consider that he possessed the right to submit the question of his patron's title to such an ordeal. No such power had been delegated to him. He allowed his anger to get the better of his judgment, and hastily took a step which was injudicious in the extreme, and which has been strongly disapproved. He arrested

185. *Vide postea*, Collateral Documents, No. X.

arrested Tucker whose office of messenger to him should have afforded him sufficient protection, and after an examination before his Court had him bound in the sum of forty pounds to appear at its next session. Vines hastened to explain his course to Governor Winthrop, and excused himself from submitting to the arbitration of Massachusetts upon the excellent ground already mentioned, that he had no authority from the lord proprietor extending to his title.¹⁸⁶ Had he contented himself with this statement at the outset, his position would have been unassailable, but his high handed and violent course with Tucker naturally increased the hostility already existing against him. Tucker, upon being released by Vines, returned to Cleeve who immediately sent him to Boston with a report of his treatment by Vines and the petition of the inhabitants already spoken of requesting the Massachusetts government to decide the questions in dispute between him and Vines. In his letter he uses the pious phraseology of the times which was consonant with Winthrop's fancy for "church ways," and he gently stirred his Puritan prejudice against Jordan, "a ministar of anti-christ there chefe counsellar," as he styled him. He moreover charged Vines with threatening to send him a prisoner to England in one of Trelawny's ships, a threat, it would seem, often resorted to by

186. *Vide postea*, Collateral Documents, No. IX.

to by royalists.¹⁸⁷ A few days later he sent another communication to Winthrop and his "loving friend Captaine Edward Gibbons,"¹⁸⁸ hoping that Winthrop at this juncture might consent to act under the commission sent from Parliament to try the charges already alluded to which he had preferred against Vines and Godfrey. This was well thought of and might have been acted upon by a less prudent man than Winthrop; but he, as we know, had resolved on non-intervention, being unwilling to imperil Massachusetts by siding with either party. The letter of Cleeve was followed by one from Vines, who was greatly disturbed and distrustful of Massachusetts.¹⁸⁹ He well knew that the sympathies of her people were against Gorges, and he labored assiduously to prevent them from supporting Cleeve, not realizing how firm the Massachusetts authorities were in their determination not to espouse the quarrels of either party. But Vines had an antagonist apt in expedients, and another move was made by Cleeve which promised success. A confederation of the four principal colonies, namely, Massachusetts, Plymouth, Connecticut and New Haven, had recently been formed for purposes of mutual defence and aid. Confederation, or the formation of a union

187. *Vide postea*, Collateral Documents No. IX. Trelawny Papers, p. 274.

188. *Vide postea*, Collateral Documents, No. XI.

189. *Vide postea*, Collateral Documents, No. XII.

union of the scattered colonies of New England had become a popular idea—indeed, as popular, in its narrower field, as the maintenance of a union became more than two centuries later when civil war threatened to disrupt the bonds which held the States together. Cleeve grasped this popular idea and endeavored to make it serve him. A petition was prepared, signed by him and his supporters, and submitted to Massachusetts, praying that the Province of Lygonia should be admitted into the Confederation of United Colonies.¹⁹⁰ The Episcopal Province of Maine could not have been admitted to this confederation had she desired to be, but the New Province might be admitted as it was tending toward “a church way.” Such a result would instate Cleeve and make the New Province a valuable ally to the other Provinces. It certainly was a hopeful scheme, yet embarrassing to Winthrop. The acquisition of Lygonia to the confederation he unquestionably desired, nay, duty pointed him towards granting this just and reasonable petition, yet the civil war in England was still undecided, and to place Massachusetts in possible antagonism to a favorite of the crown, would, if the royal cause was triumphant, be ruinous to her. Before the civil war broke out, Massachusetts had been in such extreme peril from her enemies in England, that she could not think

190. *Vide Winthrop's Journal*, Vol. II, p. 187.

think of taking a step which would increase their hostility, if Providence should restore them to power. Winthrop did not decide hastily. He took time to confer with the commissioners of the United Colonies. In the meantime, Vines sent a representative to Massachusetts with a letter signed by his supporters, and, indeed, visited Winthrop to personally defend his cause. The final result was that reasons were found for not admitting Lygonia to the confederation and Cleeve's hopes were again frustrated, yet he maintained the peace, and waited, while the government of Vines went on performing all its governmental functions as though its authority were unquestioned. Of course the Province was distracted by the unsettled condition of its affairs, but the people fully realized that they were in a happier condition than their brethren across the ocean, and the contending factions wisely waited, watching for the final result of the more momentous struggle to settle government in England, which would determine the government of Lygonia.



HE year 1644 was one of suspense. News of the distractions in Parliament, of the death of Pym, and the success of the royal arms were blown across the water, encouraging the friends of Gorges and depressing the spirits of Cleeve and his supporters, as well as all who were interested in the popular cause.

The fortunes of Cleeve seemed at a low ebb. With the restoration of King Charles to power, the rights of Gorges would be upheld, and Trelawny, backed by influential friends, would dispossess him of Machegonne or Casco Neck, as it will be hereafter called, and perhaps put in force his threat to carry him and those who had aided him to England to answer to his charges of wrong doing. So it appeared. But before the year closed, Robert Trelawny, who had languished in the prison of Winchester House, was borne thence to his burial, a martyr to the prejudice and bigotry which seemed to inspire all parties alike. The news of Trelawny's death quickly

quickly reached New England, and must have been depressing enough to Winter and his little colony at Richmond's Island, who depended upon him for protection and support. So the year passed. With the success of their party in England came confidence to the government of Vines. The Rev. Thomas Jenner had settled at Saco under the encouragement of Governor Winthrop, who found it convenient to have friends in the Province who would not only advance that phase of religion which he loved, but, at the same time, keep him informed of the progress of events about them. Jenner's letters to Winthrop reveal many incidents of interest to one who studies them. Both Vines and Cleeve had entered into a compact to maintain the *status in quo*, but Vines, emboldened by the favorable turn affairs had taken in England, sent out warrants for the arrest of Cleeve and Tucker. Henry Watts, one of Cleeve's adherents, was arrested and taken to Saco, where, having the alternative of paying a considerable fine or submitting to the government, he adopted the latter "for the present" and signed his submission. Upon being remonstrated with "louingly" by the pastor, whom he had before treated with attention and respect, Vines fell out with him "bitterly," and even went so far as to threaten him openly. Indeed, although "a gracious letter

ter of advice to the contrary" from Winthrop was read openly in Court, they treated it with contempt and "resolved forthwith to apprehend Cleeves and Tucker," disregarding the Puritan governor's "good Counsell."¹⁹¹ Affairs in the Province were in a most disordered condition. Money was scarce and every body in debt with insufficient means of payment; indeed, Jenner told Winthrop that one reason for the violence against Rigby's claims was "the manifold debts which they owe in the Bay & els wher," as "so long as they have the Stafe in there oune hands they care not," and he concludes with the remark that "no man scarce durst to aske for his oune, much less to sue for it." Cleeve, during this time, appears to have done nothing to disturb the peace, but to have waited for further advice and support from Rigby. The latter, however, had left Parliament for the Camp and was engaged in active military service, hence he had but little time to devote to his far off Province in New England. In the summer of 1645, however, Cleeve received instructions from him which he sent 1645. to the Massachusetts government, and at the same time a petition in which he said, "we are in danger to be ruened & vndon unles the Lord do move your harts to protect vs with your assistance. I do not hereby presume to direct you, but humbly craue leeve to shew

191. *Vide postea*, Collateral Documents, No. XVIII.

shew myne opinnion, which is that if you will be plesed to writ but your generall lettar to our opposits to deter them from there illeagall prosedings, and a lettar to our people of Lygonia to advice & incoridge them—I hope you shall not nede to put yourselves to any farther truble to finish the worke—and—wee do most humbly beseech you to afford vs such spedie assistance as the nessesitie of our present condishion requireth, and we shall for euar pettishion the Throne of Grace for you all.” This was signed by Cleeve “for and in behalfe of the people of Ligoniam.”¹⁹²

Knowing that the sympathies of Massachusëtts were on his side, he still hoped to see them exercised in his favor. Vines, on the other hand, was also hopeful of more favorable regard from Winthrop, since the tide of affairs in England was bearing the royal cause prosperously forward, and he, too, shortly after Cleeve's appeal, addressed himself to Winthrop, complaining vehemently of Cleeve for abusing and misrepresenting him.¹⁹³ Nor did he refrain from giving Winthrop to understand that he was far from being satisfied with that magistrate's course with respect to certain affidavits which had been taken in the case Cleeve had brought before Parliament against him—Vines—and even went

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192. *Vide postea*, Collateral Documents, No. XV.

193. *Vide Ibid.*, No. XVI.

so far as to say that he did not dare to go to Massachusetts on account of Winthrop's attitude towards him, and threats of Cleeve to the effect that if he went there he would "ly fast or goe home without my (his) leggs." He moreover took occasion to defend his course with regard to maintaining his position in the government of the Province, using the manly and reasonable argument that if he yielded without a decision from the proper tribunal, he "might be iustly condemned of infidelity and pusillanimity," but promised to submit peaceably to the order of King or Parliament whenever such order should be promulgated. But the battle of Naseby had been

Cromwell

fought, and, a few days later, the news thereof reached New England. The royal cause had received a fatal blow, though it was not at the moment fully realized; yet the spirits of anti-royalists, 'erewhile depressed, again arose. Vines was disheartened. His long continued efforts in colonizing these far northern shores had not met with their proper reward, and he had doubtless thought for some time of relinquishing the struggle. Barbadoes offered a more genial clime and fruitful soil, and thither his eyes were turned. Finally, he determined

to

to carry on the contest no longer, and, disposing of his patent, he turned his back forever upon the Province, and embarked with his family for Barbadoes. Nothing had been "heard from Sir Ferdinando Gorges of late, for establishing of Government," yet Vines had gone on holding his Court and administering affairs within his jurisdiction as usual.

At the Court held at Saco in October, the action of Cleeve in procuring the commission already alluded to from Parliament to enquire into certain charges against Vines was ventilated, and the affidavits also before spoken of produced.¹⁹⁴ Mackworth, upon whom Cleeve had relied, had abandoned him and joined his enemies¹⁹⁵

Henry Josselyn

who were now headed by Henry Josselyn, a man of character and ability, who had as-

sumed the vacant office of deputy governor. With the departure of Vines, George Cleeve saw his most powerful opponent abandon the field. Another less influential, but as persistent, was removed by death. This was his old enemy, John Winter, who, before the close of the year, sickened and died. Thus the three most formidable of Cleeve's adversaries were removed from his

194. *Vide postea*, Collateral Documents, No. XVII.

195. *Vide Ibid*, No. XVII.

his path which was slowly opening before him to success. The defection of Mackworth has been mentioned. With the failure of the royal cause came a re-action. Men whose religious affiliations attached them to the Church of England, but whose immediate interests seemed involved with popular government, and who had heretofore been lukewarm or acting with the popular party upon questions affecting their temporal interests, began to bethink themselves that such action was questionable. The church and royalty were indissolubly united in their eyes, and the ruin of one would be the ruin of both. The friends of Episcopacy drew together by common consent, and assumed with some complacency the title of cavaliers so proudly borne in England. Thus, many in whom the sentiment of loyalty to the church had been awakened deserted Cleeve. Instrumental in arousing this sentiment was Robert Jordan who had assumed the mantle of eternal hostility to Cleeve, laid down by Winter. It was determined to crush him out. As he had taken no aggressive steps to assert his authority, his pretensions could readily be made the occasion of contemptuous remarks. To encourage defection from him, an order was passed by the Court of Josselyn on October 29th, as follows: "Ordered by joynt consent in Court that wee will ptect and ayde the inhabitants

inhabitants of Cascoe Baye, as namely Mr. Arthur Mackworth and all others in Confederacy w^{ht} vs there and ther estates from all oppression wrong or injury that may be offered by Mr. Georg Cleeves, or from any under him."¹⁹⁶ The threatening aspect of affairs impelled Cleeve to again apply to Governor Winthrop, and he addressed to him an urgent appeal, which, besides his own name, bore the signatures of Richard Tucker, William Royal and Thomas Purchas. The latter, though a kinsman of Jordan, did not act with him, but personally carried the appeal to Boston and laid it before the Puritan governor.¹⁹⁷ In this appeal to the Massachusetts government, the petitioners stated the existence of a league against Rigby's authority and called attention to the acts of Mackworth, Josselyn and Robinson in going from house to house to influence the inhabitants to transfer their support to the government of Gorges, at the same time taking depositions in order to accuse the petitioners of treason, so that, said the petitioners, "we are all destined by them vnto destruction if the Lord prevent not their wicked plotts against vs." Nearly a hundred men, it was said, had joined together in order to forcibly break up the Court which Cleeve had appointed to be holden on the last day of the coming March, which would be

196. *Vide* Early Records of Maine, Vol. I, p. 106.

197. *Vide* postea, Collateral Documents, No. XVIII.

As it was customary to open the Court with a sermon, the Rev. Thomas Jenner who has been spoken of, was present, and without doubt his presence had a restraining influence upon the opponents of Cleeve, deterring them from overt acts of violence. After the sermon which was probably of the usual length and delivered with the customary unction, Josselyn and his company who were evidently impressed by the peaceable and orderly conduct of their opponents retired a short distance, and upon consultation demanded of Cleeve that he should show the authority upon which he acted.¹⁹⁸ This he consented to and exhibited to them "his originals" which, probably, consisted of the Lygonia patent with its assignment and his commission of deputy governor. These were "publikely read and scanned," but produced no other effect than to elicit a protest from the opposing party and a demand of submission to the government of Gorges. A proposition was however made to submit the questions in dispute to the Massachusetts government, as they felt confident that this tribunal could not decide otherwise than that by the river called in the Lygonia patent the "Sacadehock" was meant the Kennebec. Cleeve rejoined by asking to see "their originals for government," but they could produce none, which gave him an excellent opportunity to reply that

"ther

198. *Vide postea*, Collateral Documents, No. XXII.

"ther was no equality betweene his something and their nothing," and he should not render obedience to them. He, however, freely accepted their proposition to submit to the arbitration of Massachusetts and it was so concluded between them.¹⁹⁹

This action of the opposing governments in the Province was communicated to Massachusetts by the Rev. Thomas Jenner, who had doubtless aided in bringing affairs to this peaceful issue, and she took it upon herself to act in the premises, although some of the magistrates thought such action unwise, as the parties were beyond the jurisdiction of Massachusetts and would not be bound by decrees of her Courts, which she had no power to enforce. But the general opinion was, that one state could act as arbitrator between two other states upon their mutual request so to do, and that such action might tend to preserve peace at least temporarily. The parties therefore proceeded to Boston, George Cleeve and Richard Tucker representing Rigby's interest, and Henry Josselyn and Francis Robinson the interest of Gorges. Cleeve took the part of plaintiff and presented the assignment of the Lygonia patent to Rigby, but it did not have the signatures of all the patentees, two only of the eight having signed it, nor did Cleeve have witnesses at hand to show that the territory claimed by him

was

199. *Vide postea*, Collateral Documents, No. XX.

was within the limits of the Lygonia patent, a most necessary point to prove.²⁰⁰ We cannot, however, wonder at this, as to establish this point would have required a long and expensive survey by competent surveyors, and Cleeve was unable to bear the charge of such a survey, even had he been able to procure suitable persons to make it. On the other hand, Josselyn did not have the patent of Gorges to show, but only a copy, which was not considered "pleadable in law." The result was, that the jury disagreed and the Massachusetts magistrates declined further action. This was unfortunate, as each party now deemed the other's rights of less importance than ever, and the inhabitants who were not directly interested in the question knew not what to do, as neither government seemed to have a basis upon which to stand, and so affairs in the Province were, if possible, worse off than before.

200. *Vide postea*, Collateral Documents, No. XXI.





FOR three years George Cleeve had manfully maintained his rights in a lawful manner, neither committing nor counseling a single act of violence nor acting in any way to imperil the trusts committed to his keeping. It has been seen, that 1646. with a calm reliance upon what he believed to be the justice of his cause, he had assembled his supporters unarmed to listen to the sermon of Thomas Jenner preparatory to opening his Court, although an armed band of his opponents, in pursuance of threats which had some time before reached his ears, was to be present for the purpose of breaking up that Court. A rash or impolitic man, under such extreme provocation, would have prepared to meet force with force, and the result would have been civil war.

His patience was to receive ample reward, for while the parties were yet discussing the points revealed to all by the decision of the Massachusetts Court, the decision of the

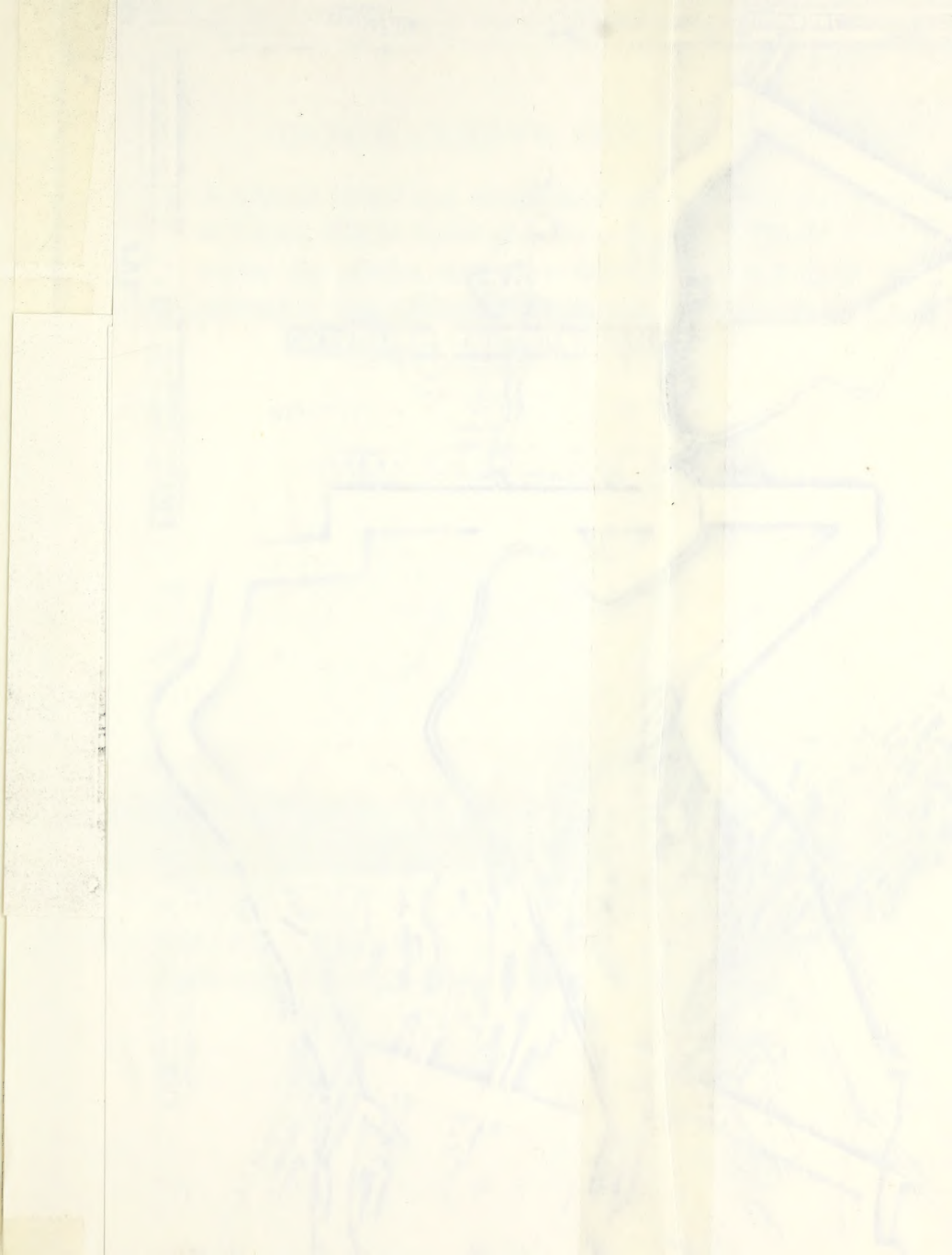
the Commissioners for Foreign Plantations, before whom the rival claims of Gorges and Rigby had been placed for adjudication by Parliament, reached New England. It was to the effect that Alexander Rigby was "the rightful owner and proprietor of the inheritance and fee simple" of the "Province of Lygonia, by virtue of the deeds and conveyances, &c., whereby the planting, ruling, ordering, and governing of the said tract or Province of Lygonia is settled, the same being a territory or tract of land, containing forty miles in length, and forty miles in breadth, lying on the south-west side of the river Sagadahock, and adjoining unto the great ocean or sea called *Mare del Nort*; and further, the said committee do order all the inhabitants of the said province, to yield obedience to the said constitution of the said province, and that upon resistance of the inhabitants the governour of Massachusetts province shall assist the officers appointed by the said Alexander Rigby."²⁰¹ This decision was most humiliating to the commissioners of Sir Ferdinando Gorges, yet it was just. The presiding officer of the Board which rendered it was the Earl of Warwick, who, with Sir Ferdinando Gorges, made the original grant to the Company of Husbandmen, which is a significant fact. By this decision the Kennebunk River was made the

201. Vide Winthrop's Journal, Vol. II, p. 390. Williamson's Maine, I, 302.

the southern, and the sea coast between that river and the Sagadahock the eastern boundary of Lygonia; the western, by a reasonable interpretation, being forty miles in length and meeting the northern boundary forty miles from the sea. To Gorges was left of his magnificent possessions on the seaboard only the territory south-west-erly of the Kennebunk river, embracing the settlements of Wells, Gorgeana and Piscataqua, with a little hamlet of fishermen on the Isles of Shoals, which territory Massachusetts covertly if not openly claimed.

There was nothing, however, for the commissioners of Gorges to do but to submit to the decision of the English commissioners to whom the matter had been referred by Parliament, and they relinquished the contest, retiring within their now restricted limits and reorganizing their government. An election was held at Wells and Edward Godfrey was chosen governor. To return to George Cleeve, the measure of whose success was overflowing. The party to which he belonged was dominant in both old and new England, and to it the great body of the people belonged. A government was organized without loss of time, which was denominated the General Assembly of the Province of Lygonia, of which Cleeve was deputy president, consisting of assistant magistrates and deputies, the latter being chosen by popular suffrage.

A Circuit





A Circuit Court was established and sessions were held at Casco, Black Point and Saco in turn. Cleeve acted under the advice and direction of Massachusetts in arranging the affairs of his government, a commission having been appointed by Parliament to assist and support him. This commission consisted of Winthrop, Dudley, Bellingham, Pelham and other Massachusetts magistrates. From these men, the most able of their time to give wise counsel, Cleeve undoubtedly received valuable assistance.

A curious letter preserved among the papers of Governor Winthrop throws light upon the questions 1647. which had to be considered by, and the difficulties which these questions presented to the rude magistrates of this early period, who had no clear code of laws to guide them, and whose powers were undefined and uncertain.²⁰² We are surprised to find associated with Cleeve in his government, men who had been his bitterest enemies. Josselyn and Jordan, especially the latter, had been untiring in their hostility to him; yet, in the day of his prosperity, we find them sitting with him in Court and acting harmoniously with him. Mackworth, also, who had deserted him when his fortunes had reached their lowest ebb, was also allowed to share a place with him. This certainly speaks well for his magnanimity

202. *Vide postea*, Collateral Documents, No. XXIII.

magnanimity and good judgment, as it strengthened his government by uniting in its support men who might have become dangerous to it if a less wise policy had been pursued. During the summer of 1647 Sir Ferdinando Gorges died, and that portion of the Province governed by his commissioners was left in an embarrassed condition. The government of Lygonia, however, flourished, maintaining order and encouraging prosperity among the inhabitants within its jurisdiction. In 1648 Robert Jordan who had married John Winter's daughter and who had been carrying on the fishing business at Richmond's Island which his father-in-law had prosecuted for Robert Trelawny, hearing nothing from the heirs of the proprietor in England, resolved to close up the estate of Winter. To this end he petitioned to the "Right Hon^{ble} Alexander Rigby, President, Mr. George Cleave, Deputy President, together with the whole Body of the General Assembly of the Province of Lygonia," requesting them to adjust affairs between the estates of Winter and Trelawny.²⁰³ This petition was granted and referred to a committee of which Cleeve was Chairman, and before this committee Jordan brought his claims which were large. The estate of Trelawny, however, was not represented, and consequently the accounts presented to the committee were undisputed. The Trelawny heir

was

203. *Vide* Me. Hist. Coll., Vol. I, p. 535.

was but a child and his guardian was neglectful of his trust; besides, the unsettled condition of affairs in England was unfavorable to a proper adjustment of interests so remote, and Jordan found no obstacles in his way. George Cleeve, whom he had treated badly in the past, might, had he harbored a revengeful spirit, have proved a formidable obstacle to his designs, but Cleeve evidently acted in accordance with the theory that, as a magistrate, it was improper for him to interest himself in the cause of either party, and as no one appeared to question the accounts presented by Jordan, he had only to report to the assembly the matters presented to his committee, which he accordingly proceeded to do, 1648. and the Assembly immediately ordered it to be lawful for Jordan to seize and convert to his own use "all the Goods, Lands, Cattle and Chattels belonging to Robert Trelawny, deceased, with in this Province." This order was granted in satisfaction of a part only of the debt claimed to be due to Winter's heirs by Trelawny, Jordan shrewdly reserving a large debt to be in the future "recuperable by any Just course of Law according to Conveniency." This order was signed by George Cleeve as Deputy President, and by it Jordan was at once placed in possession of all of the Trelawny property in the Province, and given a position of great influence.

influence. We shall see that, in the end, this decision in which Cleeve played so conspicuous a part was fatal to him, as it was putting a weapon which he could not withstand, into the hands of a man who, although at the moment associated with him and receiving from him friendly offices, was, at heart, his most dangerous enemy, and one who with sleepless vigilance would shape designs against his welfare.

On the twenty-sixth of March, 1649, died John Winthrop, the only man who can properly be associated in the history of the new world with

George Washington, except, perhaps in our own generation, Abraham Lincoln. The news of his death produced a profound impression throughout New England, deeper, indeed, than the news of King Charles' execution, which immediately followed. By his death Cleeve was undoubtedly a loser, yet the party to which he belonged was strong, and he doubtless indulged in no apprehension for the future,²⁰⁴ feeling his position secure.

In

204. "Att a Generall Courte houlden at Gorgeana alls Accomts the 16th of Octo^r, 1649.

"It is ordered this Court and power thereof: That in cas Mr. Cleaves or any other shall make any such clame weh cannot legally apeare of the people of Welles, or any people of this prvince, that then the sayd prsons

whither there or in any other part of this Jurisdiction, shall [haue] mutuall assistance from them both by power and counsell, as nede shall require, to secure them from any such unnecessary molestations :

"It is ordered this—that who soever directly or indirectly, shall raise any faction or disturbance to the weak-

GEORGE CLEEVE AND HIS TIMES. 155

In the towns under the Gorges government discontent prevailed, while affairs at and about Casco Neck were thriving. The demand for lands which he granted within the limits of his patent, and under authority from Rigby in other parts of the Province, was increasing with the advent of new settlers. The fine harbor which lay spread out before his dwelling afforded a safe anchorage for the many vessels whose business brought them into the neighborhood, indeed, the permanence of the Province of Lygonia seemed assured, when death, which is ever intermeddling to mar man's brightest plans, stepped in and cut short the career of Alexander

Rigby, the Lord Proprietor of the Province, Aug. 19, in the full flush of success.²⁰⁵ The unwelcome news of his patron's death must have reached George Cleeve in the autumn of 1650.

ening of the authority of this Jurisdiction, shall upon legall conviction bee punished according to law in those cases p'vided :'' Early Records

of Maine, Vol. I, p. 167.

205. *Vide* Hist. Parochial Chapelry of Goosnargh, p. 147.





THE loss of his powerful patron embarrassed George Cleeve who was becoming advanced in years. Josselyn and Jordan, his associates, were younger and ambitious. They had never sympathized with him religiously, and in the bitter contest which had been waged between them in years past he had been the victor. With the removal of Baron Rigby they naturally looked upon Cleeve as a dead lion. There was evidently no harmony of action between them after Rigby's death, and affairs which had gone on prosperously for a time in the Province were again disturbed. Add to this, Massachusetts, since the death of her great governor, had begun to pay careful attention to her northern boundary, which by her charter was three miles north of the source of the River Merrimack, and extended eastward from this point on the same line of latitude to the sea²⁰⁶. This claim occasioned excitement

206. By the language of her Charter she was given all the territory "within the Space of three English

Myles to the Northward of the River called Monomack alias Merrymack and to the Northward of any and

excitement throughout the two eastern provinces, affecting equally those living under both the governments of Gorges and Rigby, and tending to induce co-operative action between these heretofore hostile sections. At a

Court of the former government, it was "ordered 1651. y^t Mr. Godfrey, Mr. Leader & Mr. Shapleigh are with [in] 10 dayes tyme to draw out a petition to the parlament in y^e behalfe of this province for the further Confirmation of this p^rsent Government here established."²⁰⁷ This, it was hoped, would head off Massachusetts and secure them an independent government. What the action of the Lygonia government was we know not, as its records have not come down to us; but the petition referred to was prepared, and George Cleeve was the bearer thereof to London. By this action of Massachusetts, he was forced to act against her and with his former opponents in order to preserve the government entrusted to his keeping. Cleeve was selected as the most suitable person to bear the petition to Parliament on account of his connection with the late Baron Rigby, whose influence, it was thought, would still exert an effect in his favor. The agents of Massachusetts in London were, however, watchful, and managed to defeat the

every Parte thereof and all Landes
—whatsoever, lyeing within the
Lymitts aforesaide North and South
in Latitude and bredth, and in

Length and Longitude of and within
all the Bredth aforesaide."

207. *Vide* Early Records of Maine,
Vol. I, p. 218.

the petition by practicing upon the prejudices of Parliament to the extent of making it appear that the petitioners were royalists, while at home Massachusetts herself was vigorously pressing her claims²⁰⁸ against which Godfrey was as vigorously protesting.

To the protests of Godfrey Massachusetts, however, kindly but firmly replied, asserting her right to all 1652. the territory south of the line which she claimed as her northern boundary.²⁰⁹ In vain Godfrey again protested; the Commonwealth sent their commissioners to meet him at Kittery and peaceably settle, if possible, the controversy;²¹⁰ but the conference was futile, and the commissioners, in pursuance of the authority delegated to them, issued a proclamation to the people of Maine that Massachusetts alone had the right to exercise authority over them; promising protection to those who submitted to her authority and equal rights with those who had always been under her rule, at the same time absolving them from allegiance to the government of Godfrey.

In

208. In pursuance of her designs, Massachusetts appointed commissioners of survey to run out her northern boundary, which they proceeded to do and reported "that at Aquabatan, the head of the Merrimack, where it issues out of the lake called Winnepuseakik, on the 1st day of August, 1652, we found the lati-

tude of the place 43°, 40', 12'', besides those minutes allowed for the three miles further north which extend into the lake."

209. *Vide* Hazard's Hist. Coll., Vol. I, p. 564-566.

210. *Vide* Massachusetts Archives, Vol. 3, p. 187, *et seq.*

In the meantime George Cleeve in London was struggling to make headway against the tide which was setting so strongly against him. His representations to Edward Rigby, the Baron's son, resulted in a letter being directed by the latter to Josselyn, Jordan and others of the Lygonia government, declaring all of their proceedings since his father's death illegal and void, on the ground that their commissions expired with him.²¹¹ These men were in full sympathy with Godfrey and others of the Gorges government, and were intriguing to place the Province under one government, as it existed before the purchase by Rigby of the Lygonia patent. This is not only revealed to us by this letter but by a petition to the Council of State in London, by Godfrey, that on account of the proceedings of Sir Ferdinando Gorges they had been forced to enter into "a combination for government as appears by their remonstrance and petition of December, 1651. Since which time all acts of government have been in the name of the *Keepers of the liberties of England*."²¹² Against the proclamation of the Commissioners of Massachusetts Godfrey and his associates raised a loud clamor. A strong party in the Province was in active sympathy with Massachusetts, realizing the advantages which they would derive

211. *Vide postea*, Collateral Documents, No. XXIV.

212. *Vide Sainsbury's Colonial Papers*, Vol. I, p. 392.

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derive from having her strong government extended over them.²¹³ Finding resistance fruitless, the inhabitants of Kittery yielded submission to Massachusetts and received from her the coveted title of free men.

Among those signing the articles of submission was Godfrey himself, influenced probably in some degree by his property interests which were involved, and which he soon brought before the Massachusetts Court for settlement. The submission of Kittery was followed by that of Wells, Cape Porpoise and Saco,²¹⁴ but the towns east

of the Saco maintained their opposition. George 1653. Cleeve returned home in September, landing in Boston, where he heard of the important events which had taken place. The Province of Lygonia, in which he was so deeply interested, was apparently blotted out, and many of her people had acknowledged allegiance to Massachusetts. To that power he at once appealed for an explanation of her acts, and as the document is of interest it is here produced.²¹⁵

To

213. Extract from a letter to Governor Endicott from Mr. Henry Boad of Wells, dated May 6, 1653, urging the extension of the jurisdiction of Massachusetts over Wells and the eastern towns:

* * "Some apprehend Mr. Cleaves his returne to his seat agayne or rather desire it: myselfe and others

are desirous yt your acceptance of us might prevent those expectations." [Mass. Arch. iii, 211.]

214. *Vide* Massachusetts Archives, Vol. 3, pp. 188-233. Early Records of Maine, Vol. I, p. 241, *et seq.*

215. This letter, it will be seen, has no date. As it has been placed in the Massachusetts Archives it ap-

To the honored maigistrats and deputis of the Massachusetts Collenie or pouinc whom thes may Concearne.

Gentle men & honored worthis it is not unknown to many of you that Collenell Rigby one of the Barans of the Comonwelth of England p^rsedent of Ligoniam hath by his comission deputed mee to be his deputy for the Government of that pvinc for this many yeres past the Bunds & limmits of which pvinc hath bin set forth in severall Comishions & othar Instruments as well from the Crowne by the Councell of plymoth as also severall Confirmations by the parliament & Councell of stat to thes tymes psent & sinc the decease of the said Baran Rigby that pvinc is descended vpon his soonn Edward Rigby of Greais Inn Esqu^r who hath also deputed mee by his Comishion & hath appointed mee to Somon a Genarall assembly of all the villiges in that pvinc from the Rivar Sagadiehook to the west side of preston or wells which I shall spedelie doe forthwith vpon my Coming home to my house vnles I shall be covntarmanded by you who as I vnderstand haue challenged that pvinc or a great part thereof to be within yo^r pattaint & haue Subiected the

pears to have been written in 1662, but a study of it shows conclusively that it could not have been written then, as it does not fall in with the circumstances of that time, while it bears internal evidence of having

been written upon Cleeve's landing in Boston after his return from England and upon the eve of his "spedie Intended voyag" to his home in Falmouth.

the people to yo^r Gouverment notwithstanding ther former sopmishon & Ingaigment by oath to the Constitutions of that pvinc.

I shall therefore hvmbly desire this honered assembly to giue me a fvll answer in writting of yo^r Intentions & pseds herein that I may be enabled to giue a true narrative to my sveriors without any mistakings that so peac & loue may be continved amongst our selves here, and if y^t may be that Contentions by suts in Lawe or farthar Complaynts may be obstructed in England betwene this Collonia or pvinc & our p^rsedent or any othar whom it may Consarne.

And Lastly my humble Request is that a favarable construction may be put vpon my self & what I haue here written being sodently done with out any advice or p^rmeditation in Regard of my spedie Intended voyag to my howse desiring allso to be excused for p^rsenting it in so Rude a caractor haueing no othar Scrib then my selfe all which being Granted I shall willingly Subscrib my self to be yo^r most humble

Sarvant

GEORG CLEVE


To this, Massachusetts made a brief, firm and explicit statement of the steps she had taken,²¹⁶ yet George Cleeve

216. *Vide postea*, Collateral Documents, No. XXV.

Expt. Govt. Manservants and Deputies of the Manservants
treat with Collinsa or Quint Court President or any other person
it may concern.

And Lately my humble request - to that a favorable consideration
may be put upon my last request of some good provision being made
to send out any arbitrator or punishment in regard of my petition
intended before. Some to my Govt, Deferring also to be appointed
for punishing it in so quick a manner as causing no other hind
your my self all things being considered I shall willingly
be desired my self to be go most humble servant

George Chubb



INSERT
FOLD-OUT
OR MAP
HERE !

Cleeve determined to oppose the encroachments of his powerful adversary, and again he found himself acting with Josselyn, Jordan and others who were instinctively his opponents. He was fighting for the preservation of the Province over which he had been placed by Rigby, whose rights were certainly in his eyes equitably unsailable, as well as for his own property which he had enlarged by a grant from Edward Rigby of one thousand acres of land adjoining his old patent. And even looking at the case from our standpoint of to-day, we must take the same view, if we leave out of sight the charter of Massachusetts. The patent of the Company of Husbandmen had priority of date in its favor,²¹⁷ and the legality

217. Unfortunately this patent has disappeared, but important portions of it have been preserved. We are told by Hubbard that to Cleeve as agent for Rigby, "Mr. Richard Dummer was ordered to deliver the original Patent, which accordingly he did." We are also informed by Jeremiah Dummer, Richard's son, in a petition bearing date December, 1683, that the patent was "ordered home for England," but he does not state at what time. It is probable that both of these statements are correct. The members of the company who came in the Plough appear to have belonged to a religious sect which sprung up in Holland about the mid-

dle of the sixteenth century, entitled *Familists*, a name derived from the word family on account of the fact that they professed to be one family in Christ, united together in the bonds of mutual love to the extent of holding all things in common; indeed, religious communists. As might be expected, the communistic idea which has found adherents in all ages and which has flourished fitfully in many motley habiliments, failed in this case, as in others, to hold individual selfishness in subjection, and when the aged Stephen Bachiler, whose career was so unfortunate, came over to be their pastor, the little flock which had preceded him had "vanished away," to

legality of its assignment had never been successfully brought in question. It is true that when the deed of assignment came before the Massachusetts government for arbitration, it was objected that but two of the original grantees had put their hands to it, but this question was never pressed against it afterwards. We have no reason to doubt that the patentees who assigned to Rigby had full power so to do. Rigby was a lawyer and would have been careful to get a good title to a property of so much importance; besides, the commission ap-
pointed

use the familiar but graphic words of Winthrop. Just how long the settlement existed we know not. Winthrop's statement is that the Plough "arrived at Nantascott" bringing "ten passengers from London. They came with a patent to Sagadahock, but, not liking the place, they came hither." Knowing Winthrop's habit of sometimes compressing within the limits of a brief paragraph, events which covered a considerable space of time, we should not be hasty in inferring that the colonists merely took a glance at their possessions on the Maine coast and then sailed to Boston, where they separated. We are told by Sullivan, who gathered his information from a manuscript said to have been in Governor Hutchinson's collection of papers, "that in the year 1630, Bryan Brincks, John Smith and others went into New

England and settled themselves in Casco Bay, near unto the south side of the Sagadahock, and laid out several sums of money there, made laws and constitutions, &c., for the governing said province," and Williamson says that they "tarried one year only," which is evidently an inference from his study of the subject, but entitled to consideration in the absence of proof to the contrary. All this, however, is vexatiously unsatisfactory, and it is to be hoped that something will yet come to light which will give us a better knowledge of the Company of Husbandmen and their interesting adventure to the coast of Maine. *Vide* Hubbard's *Indian Wars*, Vol. II, p. 88. Folsom's *Saco and Biddeford*, p. 226. Sullivan's *Maine*, p. 311. Williamson's *Maine*, Vol. I, p. 239. Winthrop's *Journal*, Vol. I, p. 69.

pointed by Parliament, at the head of which was the "thrice honored" Earl of Warwick, had carefully investigated Rigby's title, and it had been confirmed to him by the supreme power of the realm, and, moreover, he had been in defacto possession for eight years. No act of his nor of Parliament which confirmed his title, had impaired it. Cleeve, however, had an unequal fight.

With the people about Casco Bay the feeling against Massachusetts was intense, especially among those who differed with her religiously. In 1654,

Robert Jordan being in Boston, whither he had gone in a vessel, was arrested and thrown into prison. A petition for release from him may still be seen in the Secretary of State's office in Boston, dated November 8th, 1654, in which he warmly declares, that he is "A prisoner by the violence of his adversary."²¹⁸ Cleeve continued his

resistance, and personally presented a petition of the inhabitants dwelling in and about Casco Bay to the Court in Boston, regarding the validity of the Lygonia patent.

To this petition Massachusetts was civil and gracious, setting forth patiently and definitely the grounds

of her claim to jurisdiction, and declaring all acts not sanctioned by her illegal.²¹⁹ At the same time

she

218. *Vide* Mass. Archives, Vol. 38, p. 257. His petition is dated "from ye prison 9 bris, 8 uo (54)" and subscribed, "Your most Deuoted & Sub-

jugate seruant & prisoner, Robert Jordan."

219. *Vide* postea, Collateral Documents, No. XXVII.

she declared that she had not endeavored to infringe the liberties of the planters but had extended to them the same benefits of government which her own people enjoyed and upon equal terms with them. Edward Rigby was striving to get Parliament to act in his favor, but he had not the influence of his father. Parliament was almost overwhelmed with perplexing questions at home to settle, and could hardly spare time to investigate the conflicting claims of Gorges, Rigby and Massachusetts; besides, the latter had able and influential agents in London, vigilant and careful, who turned everything to her favor. Besides priority of title, which was hers by no forced construction of her charter, her agents urged the benefits which would accrue to the inhabitants of the "eastern parts" who had been living in disorder, by coming under her excellent government. Neither the heirs of Gorges nor Rigby could establish order in the provinces which they claimed, and they were in no condition to govern themselves, as certain royalist malcontents desired. The position of Massachusetts was therefore a strong one, and though she politically instructed her agents abroad to pursue a conciliatory policy,²²⁰ she firmly asserted

220. "If any complaint be made by Mr. Rigby concerning our clayme by virtue of our patent, as intrrenching upon what he calls the province of Ligonias, you may for the present

make the best answer you may, for the reasons exprest in our answer given Mr. Cleaves agent, a copie whereof we herewith deliver you, which if it satisfie not, you may

serted her rights in the eastern provinces, going so far as to order the authorities of Wells to seize Cleeve or any of his agents who should disturb the peace, and send them under guard to Boston.

It may be said of the people of Maine at this time, that they were divided into but two parties. A 1656. portion—and the smaller portion certainly—desired to see the Gorges government restored, while the larger body of the people preferred a popular government, strong and equitable, like that of Massachusetts, hence a considerable number of the inhabitants of that portion of Maine which had affected loyalty to Gorges petitioned Oliver Cromwell, praying that they might be continued under the government of 1657. Massachusetts.²²¹ This desire for orderly and stable government rapidly spread, and Massachusetts pressed forward to establish her jurisdiction over all the territory claimed by her. To this end she addressed a letter to Josselyn and Jordan informing them that she had received complaints for want of government east of the Saco and had heard of attempts to disturb the peace of the people of Saco and Wells, which she had “winked at,” expecting final submission. She requested

crave libertie for our further answer.

“By the court,

“EDWARD RAWSON, *Secretary*.

“Boston, 23d of November, 1655.”

221. *Vide* Massachusetts Archives, Vol. 3, p. 342.

requested them to meet her commissioners at York, and contribute their assistance in settling government in "those parts beyond Saco to the vtmost bounds of our pattent," as this "would conduce to the good of those parts which is a principle scope and desire of the Gen^l Court of the Massachusetts."²²² Josselyn and Jordan not appearing, the commissioners summoned the inhabitants to appear at the general Court at Boston, October fourteenth. This summons was disregarded, but George Cleeve replied, not in person, as he probably did not dare to go to the "Bay," but by a protest against the legality of the proceedings which Massachusetts had taken and a resolution of the inhabitants not to submit to her authority. To this Massachusetts made a "declaration & protestation," to the effect that she should "surcease any further prosecution," but that she should not be held responsible for any damage which they might suffer for want of government which she had endeavored to give them.²²³ This protestation was not without its effect. The people were suffering for want of regular government, and complaints of disorders among them were constantly reaching the Massachusetts magistrates. The result was another commission, composed of the magistrates

222. *Vide postea*, Collateral Documents, No. XXVIII.

223. *Vide Ibid*, No. XXIX.

trates of Yorkshire, which was ordered to proceed to the rebellious district and "take in the inhabitants thereof into our jurisdiction." The

Court assembled at York July fifth, and adjourned the eighth, to meet four days later at the house of Robert Jordan of Black Point, where officers for each town were chosen. Henry Josselyn was chosen a commissioner for Scarborough and George Cleeve and Robert Jordan, commissioners for Falmouth, as Casco Neck was now called. On the next day the inhabitants signed their submission to Massachusetts.²²⁴

224. *Vide postea*, Collateral Documents, No. XXX.





THE government of Massachusetts was now established in Maine, and her commissioners, appointed "to settle civill government in the easterne parts," reported to her General Court the successful result of their labors.²²⁵ The leaders of the opposition to her authority she had made her officers, and their positions were quite as influential, though not as free as they had been at any previous time.

With the settlement of government by Massachusetts her Courts were open to litigants, who hastened to take advantage of the privilege afforded them. Cleeve soon had occasion to regret his generous treatment of Jordan in the settlement of Winter's estate, whereby the property of the Trelawny heir in England was turned over to Robert Jordan. We have seen with what persistency a claim to Casco Neck, altogether without foundation, had been urged by Winter and how this was settled finally in Cleeve's favor seventeen years before the date
of which

225. *Vide postea*, Collateral Documents, No. XXXI.

of which we are now writing; yet Jordan, upon coming into possession of Trelawny's rights, had revived the idea of getting possession of the Neck. To this end he bent all the energies of a strong and acute mind backed by an indomitable will. The first mesh of the web which he began for Cleeve's destruction was an artfully prepared right to erect a saw-mill on the Presumpscot River, which was harmless enough in appearance to enable him to get the signature of Tucker to it.²²⁶ In this right he did not use the title by which the river was commonly known, but substituted the name Casco, to support the old theory that this was the true name of the river. Tucker, who was an illiterate man, probably did not notice this, or if he noticed it, did not perceive the design in it, for he was a joint owner with Cleeve in the patent, and we must not suppose him to have been foolish enough to knowingly give an old enemy whom he had always opposed,

226. Know all men by these presents that I Richard Tucker, do authorize Mr Robert Jordan to make use of land adjoining to ye falls of Casco river above Mr Mackworth's and there to Erect & build a Saw mill or mills as he Shall Se Expedient not taking above one hundred acres of land to his use.

In witness of these presents I have subscribed my hand this 11th of Sept^r 1657.

York 5, 5th, 59, Mr Rich^d Tucker

being present in Court Confessed this to be his act.

THO: DANFORTH.

Witness

RICH^d WALDRON

ROBT POTTESHAL

Vera Copia Transcribed out of ye original.

p EDW. RISHWORTH Record.

Recorded according to ye Coppy as above s^d Nov^r 7th 1717

p JAS: HAMOND Regr.

Y. C. R. 8, 244.

opposed, the power to dispossess him of his property. The next mesh was an agreement from certain inhabitants in the vicinity that they would not oppose him in erecting a saw-mill and cutting lumber for it on the banks of the river.

This document was prepared with Machiavelian ingenuity. The pseudo right derived from Trelawny was mentioned in a way which would escape any but critical notice, while certain other rights—the one from Tucker, and even one claimed to be derived from Cleeve himself—were made the text of his argument to persuade them to grant his request. These other rights were, however, secondary and important only “in such case as it shall be made duly and legally appear, the said right and privilege to be invalid,” that is, the pseudo right derived from Trelawny, which he claimed to have “in himself.”²²⁷

Even

227. To the Inhabitants of Casco Bay Love presented * * * *

Whereas yor neighb'r Robert Jordan & others out of pronicity to the publick good & for ye reconciling of trade in those parts have Indeavored & assayed to Errect a Sawmill at their great Charge all or ye most whereof hitherto hath come to remediless damage through Some obstructions & a death put upon sd work & design, the sd Jordan doth to you hereby declare that as he resolveth he in himselfe hath a right & priviledge to & in ye sd land

for ye Errection of Such a work but in Such Case as it shall be made duly & Legally appear ye sa right and priviledge to be Invalid then ye sd Jordan hath a right & Privilege there by ye Consent and allowence of Mr Richard Tucker under his hand to Such right he pretendeth to or may have there also ye sd Jordan by vertue of a Covenant made wth John Phillips hath a right & priviledge to & in ye sd place for Errection of ye sd Mills in reference to ye pretentions of a right there from Mr Cleeve by vertue of a Con-

Even Mitton, Cleeve's son-in-law, signed this document, probably not realizing its scope, for, as in the case of Tucker, we cannot suppose him to have been weak enough to have wilfully become a party to the disinheri-
tance of his wife. It is true that he may not have been upon ardent terms of affection with his father-in-law, since the wrong he had done his wife years before would have been likely to create coldness, but this cannot be reasonably

tract with him, all which being not now to be disputed. The ^{s^d} Jordan desireth of you in regard of ye present disolation we stand in that you would as you Se Cause and reason by yor Subscriptions Declare whether ye ^{s^d} Jordan may have or hath yor free Consent & allowence to go on & perfect ye ^{s^d} work & fell Timber for ye work & effects thereof with other Conveniences in peacefull manner without violence or opposition rendering himselfe willingly Satisfactory to such person or persons in future who Can or shall Justly make it appear that are or have been unduely Injured by his so doing or otherwise that you would declare yor reasonable Exception.

Presented by me Robert Jordan & Interlined before Subscription June 18th 1659

Consented to by us
The mark of JOHN WALLIS W
The mark of THO: HANFORD X

ROBERT CORBIN
THO GREINLEY his + mark
JOHN SAROES
THO: HAINS
FRANCIS NEALE
MICHAEL MITTON
NATHL WALLIS his mark W
NICH. WHITE
WM RYALL
JANE MACKWORTH her † mark
THO: MORRINCE his ∞ mark
JAMES ANDREWS
GYLES ROBERTS his R mark
RICH^d MARTYN his X mark
SAMPSON PENLY
JOSEPH PHIPPEN

Vera Copia Transcribed out of ye Original & Compared this 15th Augt 1659

p EDW: RISHWORTH Recordr
Recorded according to ye Coppy as above Nov. 7, 1717.

p JAS: HAMOND Rgr.
Y. C. R. 8, 244.

reasonably made the ground for his signature to Jordan's paper. It seems more reasonable to suppose that he signed it, as most men usually sign petitions, unthinkingly.

Having established himself on the Presumpscot or Casco, as he called the river, with the agreement from the inhabitants not to molest him, Jordan forthwith claimed the territory under the old Trelawny patent. This new claim by Jordan startled George Cleeve and increased an hundred fold the bitterness which he felt against his clerical antagonist. One by one his old enemies had dropped out; Winter and Trélawny were dead and Vines and Godfrey had departed the country never to return; but here was an antagonist in the prime of life, more tenacious and uncompromising than any he had yet encountered; one in whose hands he had placed a weapon for his own hurt. Cleeve, however, was not a man to yield without a struggle, and a most bitter warfare was begun.

It may be well to note here the position of Cleeve and Jordan at this time. At the October session 1658. of the Commissioners of the General Court of Massachusetts, their powers as Commissioners—both having been made such the preceding July—were defined. They had granted to them the power to try causes without a jury “within the libertyes of Scarborough

borough & Falmouth not exceeding the value of fifty pounds," and also "magistraticall power to heare and determine smale causes—whether they be of a civil or a criminall nature"—and to "graunt warrants, somons & executions if neede require, & haue power to examine offenders & comitt to prison"—also any three of them could "impowre military officers under the degree of a captaine—solemnize marriage—graunt letters of administration," and "receive probats of wills." These were some of the important powers bestowed upon the Commissioners, but Jordan had larger authority granted him namely, "magistraticall power throughout the whole County of Yorkshire."²²⁸ The energy and ability of the man were known to Massachusetts, and with her usual policy she desired to make it for his interest to support her authority.

The first step which Cleeve took to meet Jordan's claim was to sue him for a breach of the bond of 1659. arbitration, which had been made between Winter and himself, June 28, 1641. In this bond both parties had bound themselves in the sum of a thousand pounds to abide by the award of the referees who confirmed Cleeve's title. Not thinking that this would be decisive he withdrew it and began another "action of Interruption—for making demands [of] Certen Land purchased

228. *Vide postea*, Collateral Documents, No. XXXII.

chased by great somes of money, & possessed by order of former grants this 27 yeares."²²⁹ Cleeve, by not pressing his first suit and subsequently introducing this, evidently desired to have the question of title settled beyond a peradventure and as speedily as possible. It was a bold step and such as a man having full faith in the legality of his position would naturally have taken. To this suit Jordan made the old answer of Winter that "that which Mr. Cleve and the Jury took for Casco river to be but a creek, into which we saw but one little brook to run, but the other which Mr. Trelawny takes for Casco river to be the river, it hath its issue out of a great pond, named Sabadock."²³⁰ Besides this Jordan produced the

229. Atta Court houlden at Yorke, for the County of Yorke Shyre on Munday the 4th of July, 1659, by the Worship^{ll} Capt. Thomas Wiggin & Tho: Danforth, Magestrats. Major Nic: Shapleigh, Mr. Abra. Preble & Edw: Rishworth Re: Cor. Assotiats. Severall Actions Entred.

Mr. Geo: Cleeve is plantiffe In an action of the Case to the vaw of one thousand pounds sterling: Contra Mr. Robert Jordan defendt. for breach of an assumptett of a bond of 1,000 pounds, which Mr. John Winter Entred into to stand to the arbitration of severall prsons. Withdrawne.

Mr. Geo: Cleeve is plantiffe In an action of Interruption. Contra Mr.

Robert Jordan defendt. for making demands Certen Land purchased by great somes of money, & possessed by order of former grants this 27 yeares.

The Jury finds for the defendt. Coste of Court being fivety shillings.

230. The Sebago. This beautiful lake which supplies the City of Portland with pure water was known to Europeans at an early date. The etymology of Sebago is said to be great water. Josselyn thus alludes to it. "Twelve mile from *Casco-bay* and passable for men and horses, is a lake called by the *Indians Sebug*, on the brink thereof at one end is the famous Rock shap'd like a *Moose-*

the deposition of Roger Willine, taken December 7th, 1658, to the effect that many years before he had rowed up the Presumpscot river to the falls "Called Casco falls," and seen Vines deliver possession of lands there to Winter.²³¹ Strange to say, Jordan was successful in this case. He also, in another case entered at the same Court,

Deere or *Helk*, Diaphanous, and called the *Moose-Rock*. Here are found stones like Crystal and Lapis Specularis or Muscovia glass, both white and purple." *Vide* Two Voyages to New England, p. 155. The wonderful minerals were quartz and mica. The latter was used by the Russians for windows and hence was called Muscovy glass. The certificate quoted from is as follows:

"CERTIFICATE OF CASCO RIVER.

We have, according to our Lord Proprietors command, viewed the land in difference between Mr. Trelawny and Mr. Cleaves and we find that which Cleve & the Jury took for Casco river to be but a creek into which we saw but one little brook to run, but the other which Mr. Trelawny takes for Casco river, to be the river, it hath its issue out of a great pond called Sabadock; the river is of a reasonable depth and breadth by the relation of the ancient inhabitants and natives ever to have been called Casco river. Thus much have we certified the Lord of the Province, to

whose determination we have referred it.

THO. GORGES,
RICH^d VINES,
HENRY JOCELIN.

This is a true copy of the certificate that Mr. Gorges, Mr. Vines & I have sent to Mr. Trelawny, attested by me, Henry Jocelin, his oath taken in Court.

EDW. RISHWORTH, Rec.

Vera Copia transcribed out of the original & compared this 13th of August, 1659, pr Edw. Rishworth, Rec. (This is the date when Rishworth, by order of the Massachusetts Government collected all the documents belonging to the Province.)

Recorded according to the copy as above, Nov. 7, 1717.

A true copy from York Co. record of deeds, &c., lib. 8, fol. 214.

Att. DANL. MOULTON, Reg."

231. "The Deposition of Roger Willine aged—about 20 one or Twenty 2 years ago—he helped to row up ye river which runeth by Mrs Jane Mackworth's to ye falls Called Casco

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Court, recovered judgment against Cleeve for debt, amounting to ten pounds and ten shillings.

In several suits brought by Cleeve before this Court against persons for trespass, he was also unsuccessful.²³²

Besides these suits for trespass was one for debt against

Thomas Elbridge

Thomas Elbridge, of Pemaquid, which was defaulted; but in three

counter-suits brought by Elbridge against him, verdicts were entered in favor of the plaintiff. The first of these

actions

falls Mr Richd. Vines M^r Arthur Mackworth M^r Jno. Winter M^r Henry Abille with divers others whom he hath forgotten where he saw Mr Richard Vines Deliver unto Mr Jno Winter possession of ye Land and falls there by Turfe & Twigg.

"This Deposition was Taken ye 7th day of Decembr 1658.

"Before me

"FRANCIS NEALE, Comission^r.

"Sworn in ye presence of

"ISAAC WALKER.

"Vera Copia Transcribed out of ye original & Compared.

"p EDW: RISHWORTH, Record^r.

"Recorded according to ye Coppy as above Novemb^r 7th 1717.

"p Jas. HAMOND Reg^r.

"Y. C. R. 8, 245."

232. "Mr. Geo. Cleeve is plantiffe In an action of the Case Contra

Francis Snale defendt. to the valew of five hundred pounds for praesuming to settle & build upon the plantiffs Lands, & for felling of his Tymber from thence without Leave.

The Jury finds for the defendt Costs of Court 37s.

Mr. Geo. Cleeves is plantiffe In an action of Trespasse & Interruption, Comitted upon ye plant's Lands. Contra Jon Phillips defendt.

The Jury finds for the defendt. Costs of Court 35s.

Mr. Robert Jordan is plantiffe In an action of debt due upon accompt. to ye valew of 20£ upon accompt. Contra Mr. Geo. defendt.

The Jury finds 10£. 10s. 0d. for the plantiffe & Costs of Court fivety shillings." Early Records of Maine, Vol. I, p. 316.

actions was for debt, and the amount awarded was fifty pounds. The second was for defamation, and the third for battery.²³³ Cleeve, probably feeling that he could not obtain justice, for he afterwards complained that Jordan being one of the associates carried the principal case against him, did not respond to the two latter suits. His influence, however, was sufficient to cause him to be chosen a commissioner for Scarborough and Falmouth for the ensuing year.²³⁴ Nevertheless his enemies were bitter against him, and the disputes regarding his title invited adventurers to trespass upon his lands, while they

233. Mr. George Cleeve is plantiffe In an action of debt to the valew of five hundred pounds. Contra Mr. Tho: Ellbridge Defendt. The defendt being Legally Called & not appeareing is non-suited.

Mr. Thomas Ellbridge is plantiffe In an action of the Case for debt to the valew of Tenn pounds pr anno: Contra Mr. George Cleeve defendt. The Court grants the plantiffe costs. The Jury finds for the plantiffe fifty pounds for five yeares due to him & Costs of Court.

Mr. Thomas Ellbridge is plantiffe In an Action of Defamation soe high as five hundred pounds, Contra Geo: Cleeves defendt. The defendt being Legally Called made noe appeareance. The plant: is granted his Costs. And the Jury finds for him

fifty pounds Sterling, or that ye Defendt shall make an acknowledgment of his offence for ye wrong done to him by sd. Geo: Cleeve, wr this Court shall see meete to appoynt. Which is in the prsence of this Court & at Cascoe the next publike Meeteing, hee haveing notice given him thereof.

Mr. Tho: Ellbridge is plantiffe In an Action of Battery, Contra Mr. Geo: Cleeve Defendt. to ye valew of one hundred pounds, for strieking of him.

The defendt. being Legally Called, made noe appearance.

The Jury finds for the defendt. Costs of Court.—Which Costs in all the three Actions comes too = 8, 4 = Early Records of Maine, Vol. I, p. 318.

they greatly disturbed those who had taken titles from him and were improving their property. At the election of magistrates, Jordan and others unfriendly to him being candidates, he refused to vote, saying contemptuously "that if the people would voate for Mis Clarke to bee a witch hee would voate," meaning that it would be less ridiculous for them to do this than to vote for such a man as Jordan to be a magistrate. For this he was presented, his son-in-law Mitton being a witness against him with Jordan. One of his over zealous adherents was also fined for "flinging Mr. Jordan's voats on the ground," and "for casting aspertions upon authority." In these brief records, we may see the disturbed state of the public mind.²³⁵ While the larger, and perhaps better

234. George Cleeves chosen, att a Court holden July 4, 1659, one of the Comissions for Scarborough & Falmouth. Early Records of Maine, Vol. I, p. 319.

235. Joseph Phippeny presented for breedeing a disturbance in the Towne Meeteing, by flinging Mr. Jordan's voats on the ground.

Jos. Phippeny presented for casting aspertions upon authority to the greate disturbance of the peace of the Towne. In reference to a Letter of advise from Mr. Jocelin & Mr. Jordan To Mr. Geo: Cleeves & Mr. Francis Neale.

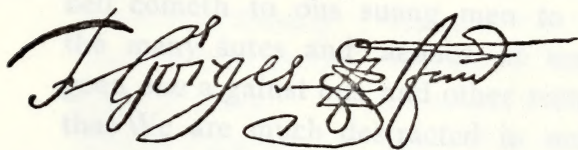
Jos. Phippeny fined 10s. for his

offence, paying ye officer's fees, is discharged. Witnesses Nathall Wallis, Mr Michael Mitten. Early Records of Maine, Vol. I, p. 328.

Mr. George Cleeve presented for denying to voate for Magestrates & for saying if the people would voate for Mis Clarke to bee a witch, hee would voate. Witnesses Mr. Jordan, Mr. Neale, Mr. Mitten. Early Records of Maine, Vol. I, p. 329.

George Cleeve, witness in the case of Isacke Walker, of Boston, presented for being drunke three severall Tymes In one day, & severall Tyms severall dayes after & before. Early Records of Maine, Vol. I, p. 331.

ter portion of the people of the Province was in favor of living under the strong arm of Massachusetts, many were discontented and bitterly hostile to the Puritan Commonwealth, on account particularly of her compulsory religious laws which made non-attendance upon public worship a punishable offence. At this time Cleeve began making large sales of his property for apparently insignificant prices.²³⁶ The claims of Jordan doubtless depressed the value of his landed property, making it advantageous for adventurous investors to purchase. Cleeve having lost his action for interruption against Jordan, at once petitioned to the General Court of Massachusetts for redress, and a commission was appointed for a final ending of the controversy.²³⁷ In the meantime Edward Rigby and Ferdinando Gorges, the



grandson of
Sir Ferdi-
nando the
former Lord

Proprietor of the Province, assisted by Edward Godfrey who was in England, and Robert Mason, the grandson of the associate of Sir Ferdinando, all of whom were hostile to Massachusetts, were actively pressing their claims upon Parliament.

The

236. *Vide postea*, Collateral Documents, No. XXXIII.

237. *Vide Ibid*, No. XXXIV.

The troubles occasioned by Jordan's claims which he was most aggressive in pressing, caused great alarm, some of the people to make peace and obtain 1660. security taking titles from him. The following petition of the inhabitants will show the condition of affairs existing in Falmouth.

To the Honored Generall Courte now assembled att Boston 30 may 1660 the humble peticon of some of the destressed in habetance of the towne of ffalmoth²³⁸

The humbell desier of your pore peticeneres hoping that you will take it in to seres consideration our present condicion that we stande in respecte of the pretended patenes and clames that Mr. Robert Jordan and Mr. George Cleues laies Claime to So that much trobell cometh to ous sueng men to Cortes as Witnes the many sute and acones at cortes and are still goen one a gainst ous and other tretened a gainest So that We are much destracted in our afares and know not what We shall doe in thes our trobeles only our Ies²³⁹ ar to god and you that you old be plesed to conseder our Condicon and destractiones that We ar in and that it will be the overthroe of thes hopfull begins that is a mongest ous god hauing be gone to anser

our

238. Vide Mass. Archives, Vol. 3, p. 248.

239. Eyes.

GEORGE CLEEVE AND HIS TIMES. 183

our prayeres and to send ous a faithffull dispencer of the Word to ous for wich We desier to bles god for and we hope shall in Joy if these destractiones doe not discoreg hem therfor our oublet request is to this onered asembely that you old be plesed to take it in to concideration our present Condicon for Iff that Mr Jordenes paten and claime hould with Mr Cleues the tounne is ouer trowen and noe man shall in Joy what he hath labered uppon and poseded ownley it be vppon ther teremes and at ther Wiles and plesueres but we hope that we shall inioy our preueleges and towne afares with the rest of the townes in the Dueredicon²⁴⁰ thes not to trobelē your oneres no farther but leue the Case to god and you hoping for a Comfirtabell anser we Remaine youres in all faithfullnes

PHINIHAS [RIDER]	NATHAN WALLIS
GEORGE INGERSOLL	THOMAS [CELLEN]
GEORGE LUES	HUMPHREY [DURHAM]
JOSEPH PHIPPEN	JOHN WALLIS
	NICHOLAS [WITE]

ffalmouth pet Entred & 2^s 6^d secured

1660.

The deputies before whom this petition came, after due consideration decided to refer it to the Committee which

240. Jurisdiction.

which had been appointed on Eastern Affairs providing Cleeve and Jordan would agree to this, and asked for the concurrent action of the magistrates which was wisely refused, and no action was taken on the subject. At the Court holden at York on July 3d, George Cleeve was chosen a Commissioner to represent the towns of Scarborough and Falmouth, which shows that he was still popular and influential.²⁴¹ In October, the Commissioners appointed by the General Court of Massachusetts on his petition of nearly a year before, reported that they could make "no certajne returne thereof but judge meete the townesmen of Falmouth be ordered not to dispose of any lands wch are within the borndaryes of the pattente or graunts of the said Mr. George Cleaues untill this Court take further order therein."²⁴²

This report created a great feeling of insecurity among those holding grants from Cleeve. Some disgusted with the condition of affairs moved away, and adventurers, affecting to disbelieve the validity of the title of either Jordan or Cleeve, took possession of lands. The position of both parties made them violent enemies as appears by the records of the time. They were men likely to have strong friends and equally strong opponents. Some of Cleeve's enemies presented a petition to the General

Court

241. *Vide* Early Records of Maine, Vol. I, p. 348.

242. *Vide* Records of Massachusetts, Vol. 4, part 1, p. 435.

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Court of Massachusetts about this time in offset to the one of May 30th, in which they say that—"there hath Latelie certain men appeard in our Names att ye Hon Generall Court & as wee are informed presented a petition, which was without our Consents or Knowledg ffor had ye Gouvernment been settled & y^t wee could haue acted with freedom of Spiritt wee would neuer haue Dishonerd y^e Hon Generall Court with men of such Liues & Conversations, as are, first Mr. George Cleues who is vpon record for breach of Oath & accusd for fforgerie."²⁴³ The accusation of forgery referred to is the one which has already been disposed of: as for the breach of oath it nowhere appears. There was to be no rest, however, for George Cleeve. He was disappointed in all his efforts for redress. Delays were occurring to prevent adjudication in his suit with Jordan,²⁴⁴ and he

243. *Vide* Massachusetts Archives, Vol. 3, p. 287.

244. The old claim of Winter to lands on the west side of the Spurwink was at this time again made the subject of litigation, as appears by the following depositions. Although without foundation at first, it was so tenaciously adhered to that it was made to assume importance.

The deposition of Phillip Hatch, being sworne Sayeth this Deponent liueing with Mr. John Winter, about 22 yeares agone yt to his knowledge

Mr. John Winter, In inference to his owne Title, & Mr. Trelawnys, did seuerall yeares Mow & make use of all that marsh lying on both sides Spurwinke River, soe fare as hee had Cause to improve it. Dated July: 6: 60: Taken vpon oath, before mee.

EDW: RISUWORTH.

Mr. Robert Jordan sworne, aged 49 yeares sayth that about seaven yeares since or yrabouts, hee gaue possession vnto Ambrose Boden Junor: of a Certen parcell of Land, vpon the westerne side of Spurwinke

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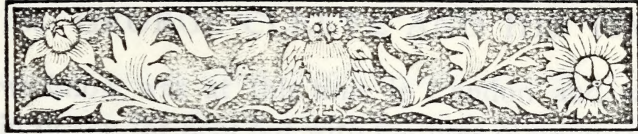
he was growing feebler in every respect, while his antagonist was young, active and ready to take every advantage of him.

River Contayneing two hundred
Acers vpon a square, beginneing at a
Willow bush, by a spring, & to goe
from thence, downe ye sd River, vntill

his Complement was Completed, &
further sayth not.

Taken before me the 1: July: 60,
Henery Jocelin Assot





THERE was a sudden turn of the political kaleidoscope unfavorable to George Cleeve. The Protectorate suddenly fell to pieces and Monarchy took its place. Massachusetts statesmen were at heart uneasy but self-reliant and unshaken in purpose. They believed in Massachusetts with a triumphant faith not to be shaken by temporal powers.

The news of the restoration to power of the house of "the Martyr King" in the person of his son Charles,

Charles R

came like a revivifying breath to the drooping hopes of the Royalists but like a blighting blast to the glowing confidence of the Republicans of Maine. Godfrey, as

we

we know, was at this time in London and, sad to say, in prison for debt but with the fires of indignation burning as hotly as ever in his breast against Massachusetts. He had caught the cacoethes scribendi from Ferdinando Gorges, who had shortly before published his "Briefe Narration" and "Narrative of New England" and was giving to Henry Gardiner²⁴⁵ the materials for "New England's Vindication," too poor himself to publish this work of his brain, but, for the sake of giving it to his countrymen, ready to let another have the credit and glory of its authorship. Edward Rigby, Ferdinando Gorges, himself and others, had been pressing their claims jointly upon Parliament against the usurpations of Massachusetts, and now, with the exception of Rigby, who, on account of his father's active participation in the Revolution, dared not approach the throne even with so valid a title as that to Lygonia, appealed to the King, who was pestered immoderately by the clamors of impudent claimants and the pleadings of obsequious petitioners. Massachusetts was, however, ready to meet this, and presented an address to the King congratulating him upon his restoration to the throne of his ancestors, and praying

245. Very little is known of Henry Gardiner, but he is supposed by the editor of the Vindication to have been the son of Henry Gardiner, an associate of Mason and Gorges in the

patent of lands at Piscataqua, granted by the Council for New England Nov. 3, 1631. *Vide* New England Vindication, Portland, 1884, p. 7, *et seq.*

praying him not to allow himself to be moved by accusations of her opponents without first giving her an opportunity to respond in defence. This was the condition of affairs respecting Maine in England. At home affairs were in confusion. George Cleeve finding it impossible to get justice in the Courts of the 1661. Province appealed to the General Court of Massachusetts in the following language:

The honored Generall Court Assembled and Sitting in Boston: this 24 (3^d 1661.) The humble petition of George Cleave of Falmouth Gent:

humbly sheweth

That yo^r petitioner hath bin, and yet is greatly wronged, and oppressed by Mr: Robert Jordane, not only in laying Claime unto all my lands, which I have purchased at very deare rates but by forewarneing of my Tenents that are & hindering others that would bee although I have had after purchase possession for these 27 yeares or there abouts: by meane whereof the populateing of the Towne of Falmouth is much hindered to the great loss and detriment of yo^r petitioner, and Considerable hindrance to the Country and least I should quietly injoy my just right he hath for twoe yeares togeather now past or there abouts Continually Vexed yo^r petitioner (as hee humbly doth Conceive and hopes to prove) with
unnecessary

unnecessary suites in severall Courts whereby hee hath soe ffarre misinformed severall Courts as yo^r petition^r hopes to prove, as that p^rvayleing he hath almost & if help & redress fayle is in a fayre way utterly to ruine yo^r humble petitioner & his for ever: The perticulers whereof are too large to trouble the hono^rd Court with in this sort, And therefore yo^r humble Petetioner doth humbly beseech the honou^rd Court to Consider the p^rmises & either to admitt Audience of yo^r petition^rs declaration in the Court in Generall, or else to grant a Committee to heare what hee hath to say that soe yo^r oppressed petitioner may have some releife in his great suffering:

Your most humble petitioner doth humbly intreat the hono^rd Court to ponder the premises, and grat yo^r po^rpetitioner such releife as in yo^r wisdomes yo^w shall see meet, and yo^r petition^r humbly Craveing leave, praying for a blessing of God upon yoⁿ & yo^r administrations: subscribe my selfe

Yors

[GEORGE CLEEVE]

In answer to this it was ordered that Josselyn, Pendleton and Waldron should be a committee to proceed to Falmouth and examine the ground of Cleeve's complaints. Before this committee Cleeve presented himself,

self, but Jordan contemptuously ignored the matter and did not appear.²⁴⁶ As affairs in Maine were in a troubled condition, it was thought best to overlook Jordan's contempt of the Court's dignity and to give him further notice to appear and make answer. But nothing was done, as Josselyn, who was the chairman of the committee, and the other commissioners sympathizing with him were preparing to throw off the bonds of Massachusetts. One of their first acts was to issue a warrant "in his Maj^{tys} name and by authority of Ferdinando Gorges Esq" to make seizure of all books and papers relating to affairs in the Province which might be found in the possession of Cleeve.

246. In answer to the petition of Mr. George Cleaves, the Court judgeth it Meete to order that Henry Jocelyn, Esqr, Capt. Brian Pendleton, & Capt. Richard Waldern be a committee & impowred, repaying to Falmouth at such time as any two of them shall appoint, then & there to examine the ground of the severall complaints exhibited against Mr Jordan, summoning witnesses, giving oathes, & what else is necessary referring to the case, & what shall be concluded on by any two of them to be reported by them to the next session of this Court in October next.

1661 22 May Ans^r to Mr. Cleaves petition.

Early Records of Maine, p. 373.

The petitioner appeared before the committee but Mr Jordan against whom he complained was not present, Therefore if the court please to vouchsafe the petitioner a hearing before the court that Mr Jordan have legall notice thereof that he may have opportunity to answer, or else to appoint & empower a committee in those parts to hear the complaints of the petitioner & the answer of Mr Jordan & report the case to the court for determination, according to Justice.

datted the 28th of may 1661

DANIEL GOOKIN
ELEA. LUSHER
EDWARD TYNG

192 GEORGE CLEEVE AND HIS TIMES.

Cleeve and Tucker, Godfrey and several others.²⁴⁷ This was a convenient method of getting hold of much valuable material for future use; the records of Cleeve's government of Lygonia; his patents more valuable to Jordan than all else, and papers of Godfrey, who although he had always acted with loyalty to Gorges, possessed documents of importance to them in their new schemes of government. The action of her disloyal commissioners was annoying to Massachusetts, but she was inclined to be

1661-2 Mar. 11.

247. Warrant addressed to the marshal of the province of Maine or his deputy.

Instructions that in his Majty's name and by authority of Ferdinando Gorges, Esq., he is to demand and make seizure of all Roll books, Records and public writings concerning any act or acts done within the province. These having been withheld to the great destruction of mutual rights and the proper administration of justice are to be demanded of Mr Edward Rishworth, Mr Michael, Mr Godfrey or ye executors of Roger Gard, Mr George Cleves, Mr Richard Tucker, Mr Francis Neale or any others. The same persons also are to be caused to appear before the next magistrate to take oath that they are the true and entire documents held by them to be sealed and delivered to Capt. Francis Champernoone

and further to be produced, opened and examined at the next general Court.

Signed

FRANCIS CHAMPERNOONE, J. q.

HENRY JOCELYN, Jus. quo.

ROBERT JORDAN, Commissioner

NIC. SHAPLEIGH.

A memorandum annexed states

1661-2 Mar. 21.

that he (Nathaniel Masterson) has seized upon all the writings and Records in Mr Rushworth's hands and delivered them to Mr Champernoone another.

1662 May 15.

All the writings &c. that he can hear of he has received and delivered to Mr Francis Champernoone according to the warrant.

Vide A Catalogue of Original Documents in the English Archives, Relating to the Early History of the State of Maine, p. 40.

be lenient as her position was a delicate one, requiring patience and skill in management. She immediately ordered a commission to proceed to York or 1662. Wells, where the malcontents had convened a

Court in order to assume the government in the rebellious district and institute an investigation into the conduct of her unfaithful officers, which, accomplished, the commissioners were to require all concerned to return to their obedience to the commonwealth until her rights should be properly determined.²⁴⁸ In the meantime they were required to hold "y^e ordinary & vsuall Courts." This had the effect to prevent open rupture, and Massachusetts still continued to exercise a degree of authority in Maine. Cleeve was loyal to Massachusetts. Having taken the oath of submission to her authority, he faithfully adhered to it. Although there were many in the Province who revolted against some of the fantastic doctrines which she enforced throughout her jurisdiction, yet many thinking men recognized the benefits which in the lawless and turbulent condition of society then existing her rigid rule bestowed upon them. Cleeve's petition not having been acted upon, came up before the General Court at the autumn session and was referred to the County Court at York for adjudication.²⁴⁹ Evidently it was thought

best

248. *Vide postea*, Collateral Documents, No. XXXV.

249. In ansr to the petition of Mr George Cleaues it is ordered, that

best by the Massachusetts authorities not to interfere at this juncture in the delicate matter of sub-titles in Maine when the original titles were so hotly disputed. She of course regarded the titles which Cleeve and Tucker had derived from Gorges and Rigby, as well as the grant to Trelawny now held by Jordan, as so much worthless paper, since her charter ante-dated them all. In fact, Cleeve stood no chance at all of getting his case acted upon in the Massachusetts Courts, since by declaring his title valid they would virtually declare the title of Gorges or Rigby valid, which would be fatal to her own title to the territory. This was doubtless the reason for so much delay in acting upon the questions he had presented, and the final shifting of the whole matter over to the Court in Yorkshire, where other delays would occur, perhaps long enough for all questions to settle themselves. George Cleeve, however, received a sop to comfort him in being returned by the Court of Elections a deputy to the General Court, which was an important honor.²⁵⁰ In spite of the opposition against him he had been

the next County Court of Yorke examine the grounds of these complaints exhibited against Mr Jordan, & to proceed therein as they shall judge Meete, according to lawes here established. Records of Massachusetts, Vol. IV, Part II, p. 70.

1662 8 October, Ans^r to Mr Cleaves

petition.

250. Att a Generall Court of Election held at Boston, 27th of May, 1663.

George Cleaves name was returned from Falmouth, as one of the Deputies of the Generall Court. Records of Mass., Vol. IV, Part II, p. 72.

been chosen on the July previous a commissioner for the town of Scarborough,²⁵¹ and at the summer session of the Court at York a commissioner for Falmouth. But affairs in the Province were daily growing worse. There were virtually two governments within the Province; one claiming to act under Ferdinando Gorges and the other under Massachusetts. Jordan was one of Gorges' commissioners, and although he had many enemies his influence was considerable throughout the Province. The delays to which Cleeve was subjected by Massachusetts in bringing his rights to adjudication were telling against him. Emboldened by the increasing strength of his position, Jordan increased his efforts to root him out, and having recovered several suits against him in the Court of which he was an associate member, he seized upon Cleeve's property, depriving him of his household goods, and even his last cow, and putting into the street such things as he did not take. Nay, more, he took the bed from under his aged wife—she was eighty-seven years of age we are told—and so left them without shelter or a bed to lie upon.²⁵² It was a most cruel proceeding, and one for which there can be no excuse, although the provocation may have been great. For these wrongs against him

Cleeve

251. *Vide* Early Records of Maine, Vol. I, p. 373.

252. *Vide* postea, Collateral Documents, No. XXXVI.

Cleeve petitioned the General Court of Massachusetts again, and was again referred to the Court of Yorkshire for an examination into the grounds of his complaint.²⁵³ Massachusetts had humbly addressed the king, and in response received a letter from him to the effect that her address was "very acceptable," and that he received her people "into his gracious protection," and confirmed their "Patent and Charter," and was "ready to renew the same." He pardoned offences against him, excepting the crime of high treason, and required the oath of allegiance to be taken and justice administered in his name, the free use of the liturgy to be allowed, and all persons of good and honest lives to be admitted to the sacraments.²⁵⁴ The reception of the king's letter which was so "gracious" was hailed with delight in Massachusetts, and gave great contentment to her people, barring that portion relating to the liturgy and the sacraments, and it was at once copied and sent to the various towns in the Province of Maine. It was not so pleasing to the commissioners

253. The Deputyes Conceiue in answer to this pet that the County Court of Yorke next are hereby Ordered to examine the grounds of these Complaynts exhibited agaynst M^r Jordan & to pceede therein as they shall Judge meete according to lawes here established.

the Deputyes haue past this Desire-

inge or Honord Magests Consent hereto.

24: (8) 1662

WILLIAM TORREY Cleric.

Consented to by the Magists

EDW. RAWSON, Secrety.

254. *Vide Hazard's Hist. Coll., Vol. 2, p. 605, et seq.*

commissioners of Gorges, who saw in it a possible confirmation by the king of the authority of Massachusetts in Maine. When the letter was received in Maine with the warrant of Massachusetts directing it to be read to the people publicly, the commissioners of Gorges suppressed the warrant of the Commonwealth and substituted therefor the warrant of Gorges. This was the occasion of an interesting letter from George Cleeve to the Massachusetts magistrates, in which he states that the king's letter was read in church after the morning service by Mr. Munjoy. The orders of the General Court of Massachusetts he says were stopped, and not published "in Sacoe nor Scarberoh but contarmending warants in his magistas name vndar the authority of Mr. Georgs & vndar the firm of Mr. Jocellen published thare."²⁵⁵ This letter of the king seemed to infuse new

vigor

255. Evar honored Sirs

Aftar my due Respects & humble sarvie p'tented thes may Informe you that sine yor Comishionars were at York we mening Mr Georg Monioy & my selfe, by accedent received a papar named a warant from Mr Henry Jocellen derected to Mr John Gey Constable of falmoth which aftar wee had Red & Considered wee thought Requisit to take this exact Coppie here Inclosed & to detain the papar vntill the publication of the Genarall cort Warant was by my self publiqly

Red in the Congregation the whole towne being p'sent the last lords day aftar meting at which tyme also Mr Monioy Red the Kings Lettar, & had not Mr Rishworths Care bin to send the Courts ordar Inclosed in a lettar to Mr Monioy wee had bin deprived of the benefet of the Courts ordar for wee ar truly Informed that the ordars sent to all the towns in that County wear stopped & not published neithar in Sacoe nor Scarberoh but contarmending warants in his Magistas name vndar the athority of Mr Georgs

vigor into the opposition to Massachusetts, and vigorous efforts were made to suppress her authority in the Province.

& vndar the firme of Mr Jocellen published thare. Wee also vnderstand that the p'tended Comishonars haue apointed a meting at Sacoe the 25 day of this p'sand Novembar & wee sopose is to see what strength they can gather to supres yor athority & to establish ther p'tended intrest who haue given it out that the Genarall Court haue desarted the towns of falmoth & scarb. & that Mr bradstreet & Mr norton haue desarted the whole Conty of Yorkshaire in England & here to & thervpon many or all well affected in Welse & elsewhere ar put to agret stand fearing that the Massachusets Collony doe deale dubble with them, by reson of thes & othar such lick storis given out by Mr Jocellen, who also reports that they doe daylie expect Mr Mavarick with four other Comishonrs in too great friggets to countermand yor athority in thes yor Jurisdiction, but I beleue the ships ar not yt buylt, we may expect spedily Mr Jocellen & Mr Jordan to com to our town to see what they can doe theire but my care shall be to defete their purpose in what I may.

Now farthar my humble Requ'st is that you will forth with seriously Consider of a Cource to be taken with thouse who doe deale thus par-fidiously, having taken the oath of freedom & fidelity for example to

others & for the maintainanc of yor owne honor who haue Ingaiged to p'tect all the well affected in this yor Jurisdiction.

I also desire to vnderstand yor senc whether the Jenarall Courts mind was that the ofisars in that County that was Chosen & sworn vndar yor athority should stand in theire places till the tyme of newe election or these Constabls Chosen & sworne by Mr Jocellen & vnto that powire.

And as tuching Assotiacats wee vnderstand that Mr Jocellen & Mr preble haue both refused the oath & the exarsise of theire places & only Mr Rishworth & Mr Chadborn sworn & Mr Morsion not sworn willing to submit when tendered vnto him now I desire to know whether I may not administar the oath vnto him as is derecte in the Law book being a Comishonr & apointed by the Court to administar the oath of the Lord to any parson as occation may Require or whether any other asotiats may be appointed to the number of five as also whether any othar Comishonars may be apointed for the too towns of falmoth & scarboroh in the Roome of Mr Jocellen or any othar in case of Refusall for wee suppose theire may be great nede of a Court shortly.

I cannot omit to give you to vnderstand that Mr Jocellen doth trompet

ince. Cleeve states that among other stories circulated was one to the effect that Maverick, who was then in England and hostile to Puritan rule, was coming with other commissioners "in too great friggets to countermand yo^r athority in this yo^r Jurisdiction, but I beleve the ships ar not y^t buylt." This rumor we shall see proved true. Frequent conflicts of authority took place, and the officers of Massachusetts were arrested by the officers of Gorges and thrown into prison. The Constable of Kittery was one of the officers arrested and imprisoned, and he appealed to the government of Massachusetts for protection, calling attention to the fact that having required his subjection to its authority he was entitled, to its protection.²⁵⁶ The conflict in Maine between the two parties continued to increase, but two commissioners friendly to Massachusetts, Cleeve and Phippen, were chosen in Falmouth,²⁵⁷ and this town and Scarborough sent

abrod that ther ar many discontented in boston & to the westward about the Kings lettar & I feare it p'seds from a sperit that faine would rays a faction amovngst vs if not tymly p'vented but I hope that the wisdom & Counsell of god is with you or else who knoweth how great a flame a littell fire may kindell all which I Lene to yo^r wise Consideration humbly desiring a spedie answer if it seeme good to you by som publick

officar or othar safe messengar in Regard of the season of the yere thus craving pardon for my bouldnes to be so larg Comending you all to the grace of god evar Resting yo^r faithfull & humble sarvant to comand.

GEORG CLEEVE

Falmoth Novembr 24-62

256. *Vide* Mass. Archives, Vol. III, p. 254.

257. Court houlden at Yorke July 7th, 1663.

sent attorneys to re-affirm their subjection to Massachusetts. Party feeling ran high.²⁵⁸ Jordan, Josselyn and others were indicted for renouncing the authority of the Commonwealth, and Jordan was arrested and thrown into prison in Boston. In the meantime Cleeve obtained no redress for his wrongs. In the autumn of 1663 he managed to get an order from the General Court to the associates, to appoint a Court at Saco or Wells "to heare examine and determine all complaints of either partie by way of reveiu or otherwise according to lawe."²⁵⁹ Nothing however came of this, and when his petition again came

It is hereby ordered that for the Election of Comissions In Scarborough & Falmouth this yeare, wee determine as followeth that Falmouth who have chozen according to Law, that two of them which they have chozen stand, which is Mr Cleeve & Jos Phippeny & leave the Towne of Scarborough to chuze three to bee approved & sworne as by another order is directed hereafter according to Articles. Early Records of Maine, Vol. I, p. 399.

258. Wee present Fran: Smale for saying In open Court that Mr George Cleeve was a trator & that he would prove that the sd. Cleeve sayd that ye King was an Athist, a papest & a damned wretch In hell, with other uncivill speeches. Witnesses Tho: Withers, Phineas Rider, Free: Norton

It was proved In Court that Mr. Cleeve soe spake. Early Records of Maine, Vol. I, p. 405.

259. Whereas George Cleaue, gent, on his petition to the Gen Court, in ans^r thereunto was granted a hearing at a County Court to be holden at Yorke in July last, and that Mr Jordan was then a prisoner at Boston, by meanes whereof all proceedings were waved, least the said Jordan should account himself injured, whereby also all reliefe hoped for by the said Cleaue was frustrated and disappointed; and that at a Court of associates, late holden, as is alleadged, the said Jordan hath further prosecuted ag^t the said Cleaue, by virtue whereof the said Jordan hath of late, as the said Cleaue hath informed, outed his aged wife and family; and

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came before the magistrates it was again referred to the Court at York.²⁶⁰ Still Cleeve was apparently in favor with Massachusetts, and at an election held at 1664. Boston the eighteenth of May following, he was returned as one of the deputies of Casco.²⁶¹

that the said Cleaue was, by God's providence, not voluntarily, but necessarily, detained; and forasmuch as Mr Jordan, by former execution, did take from the said Cleaue his bed, bedding, kettle & pott, weh is contrary to lawe, besides two cowes, weh also were all then had to support his family—it is therefore ordered by this Court, that the associates for that County of Yorke, or any three of them, shall & hereby are impowred & required forthwith to appoint & keepe a Court there, to heare, examine & determine, either without or with a jury, as the parties shall agree, at Saco or Wells, all complaints of either partie by way of reveiu or otherwise, according to lawe.

1663. 21 October. Courts order abt Mr Cleaue for a Court &c.

260. In ans^r to the petition of Mr George Cleaue, the Court judgeth it meet to referr the petitioner to an ordinary course of justice in the Courts of that shire.

1664. 18 May. Ans^r to Mr Cleaues petition.

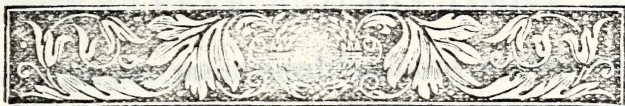
Records of Mass., Vol. IV, Part II, p. 103.

261. *Vide* Records of Mass., Vol. IV, Part II, p. 94.

Att a Generall Court of Election held at Boston, 18th of May, 1664, Georg Cleav's name was returned as one of the deputies from Casco.

Vide Records of Mass., Vol. IV, Part II, p. 100.





EDWARD GODFREY, Gorges, Mason and others opposed to Massachusetts had been constantly and actively laboring with the king against the subjection of Maine to her authority, and they at last prevailed upon him to direct a letter to his "trusty and well beloved the Inhabitants upon the Province of Meyn in New England," stating that upon reports of the law officers of the crown he had found the claim of Ferdinando Gorges to the Province to be a valid one, and that they were therefore to "forthwith make restitution of the said province to him or his commissioners and deliver him or them the quiet and peaceable possession thereof."²⁶² Cleeve must have felt that this letter of the king was the final blow to all his hopes. True, Massachusetts did not propose to yield up her possession of Maine even at the king's behest. She had learned by hard and long experience the value of tenacity, and believing undoubtedly that her claims to the Province were just, she determined not to yield, yet she was
politic,

262. *Vide* Hutchinson Papers, Prince Society, Vol. II, pp. 110-112.

politic, and while she maintained the forms of authority within the Province she was careful to avoid as far as possible any serious conflict with Gorges' commissioners, and she could not well restore Cleeve to his rights without precipitating such a conflict. Cleeve well understood this, yet was he steadfast in his allegiance to Massachusetts, and did not for a moment attempt to gain any advantage by courting the new power; in fact, he always appears to have had a profound faith in the wisdom and power of the Massachusetts magistrates, and could he have lived long enough he would have seen that his faith was not at fault. The rumor of the "too friggets" was now realized by their appearance in the harbor of Piscataqua bearing the king's commissioners, Maver-

Samuel Maverick

ick²⁶³ and Carr.²⁶⁴ An agent of Ferdinando Gorges,²⁶⁵

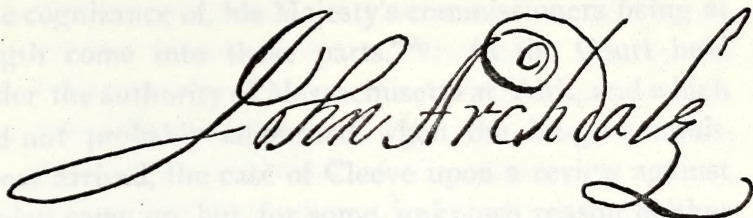
John

263. *Vide* Sumner's Hist. East Boston, pp. 60-160. There were two other commissioners, namely, Colonel Richard Nicolls and Colonel George Cartwright, who landed at Boston several days later, the ships which bore them having been separated during a storm.

264. Sir Robert Carr, Baronet of Sleeford, appears to have been a man of convivial habits, as was Mav-

erick, and the two must have enjoyed each other's companionship. Pepys speaks of the free manner of living at his home in Lincolnshire, "where," he says, "it seems people do drink high." He was wholly unfit to manage the delicate affairs entrusted to him, as were, indeed, his associates, Cartwright and Maverick, and his loose manner of living brought him

John Archdale²⁶⁶ was also at hand ready to act in behalf



of his employer. Maverick announced his arrival in somewhat contemptuous terms to Massachusetts, advising them "to take care how they dispose of such things as

into discredit with the sober and abstemious people of the Bay. On the eve of his departure from Boston, while carousing with Maverick and other pot companions on a Saturday night, the party was interrupted in the midst of its festivities by an officer of the law, who reminded them of the sacredness of the hour and desired them to disperse. They however not only refused to obey him, but drove him away with blows. Adjourning to another place, they were interrupted by another officer with whom they had an altercation, during which the guardian of the law said that he would arrest the King himself if he found him making a disturbance in Boston on a Saturday night. For this Carr charged him with having uttered treasonable words. The Court properly admonished the officer for his injudicious speech, and the governor

summoned Carr to appear before him to answer for "riotous and abusive carriage to one of his majestys officers." Immediately after, however, he left New England.

Vide Pepy's Diary, Vol. III, p. 314. Hutchinson's Hist., p. 232, *et seq.* O'Callaghan's Documents relative to New York, III, 69, 94, 107.

265. The grandson of Sir Ferdinando, and author of the *Briefe Narration*.

266. John Archdale was connected with the Gorges family by marriage, Ferdinando Gorges, Jr., having married his sister. Archdale failing in his mission, removed South, where in his old age he became governor of the two Carolinas. A letter of his to George Fox, bearing the date of 1686, may be found in Hawk's History of North Carolina.

as may be out of their bounds, and not fit for them to take cognizance of, his Majesty's commissioners being at length come into these parts."²⁶⁷ At the Court held under the authority of Massachusetts at York, and which had not probably adjourned when the king's commissioner arrived, the case of Cleeve upon a review against Jordan came up, but for some unknown reason neither party appeared and the matter dropped;²⁶⁸ indeed we shall hear of it no more as the condition of affairs in the Province continued such as to prevent further consideration of Cleeve's title. Jordan, however, showed his litigious spirit by suing him at this Court for unjustly detaining of a sow, but was defeated, and Cleeve obtained costs against him.²⁶⁹ The government of the Province under Gorges having organized, its commissioners addressed a diplomatic letter to Massachusetts, "requesting In the name of our selues, & the people of the^sd province, you courteous & peaceful disceadure from further comanding vs & them." Accompanying this was

267. Vide O'Callaghan's Documents relative to New York, Vol. III, p. 65.

268. Att a Court houlden at Yorke on the first Tuesday In July 1664:

Mr Geo: Cleeve is plantiffe In an Action of the Case upon a review against Mr. Robert Jordan defendant. Neither plantiffe nor defendant ap-

pearing y^e Action falleth.

269. Mr. Robert Jordan is plantiffe Contra Mr. Geo: Cleeve defendt. In an Action of the Case for unjustly detay'eing of a sow.

The Court grants y^e defendt his Costs, 18s. withdrawne. Early Records of Maine, Vol. II, p. 6-7.

was a proclamation, commanding "a resignation from all persons vsurping" the government of the Province and notifying them of the unlawfulness of such proceeding, "Pticularly to y^e Governor & Councell of y^e Massachusetts Colonie; protesting against their intermeddling wth y^e government thereof, as they will answer y^e Contrary att his Maiesties indignation."²⁷⁰ To this the Massachusetts councillors replied that the territory in question was "a part of the Patent graunted to the Massachusets which Patent preceds the Patent granted to S^r fferdinando Gorges and therefore the Council may not give vp the Interest of the Colony wth out the consent of the Generall Court," and as they believed that his majesty had been misinformed, they declared that no commissioners acting under the authority of Gorges ought to exercise any government in the Province, and that if in attempting to exercise government any "evill & Inconvenience shall fall out—they must be accounted the autho^rs thereof & expect to be accomptable to his Majesty for the same."²⁷¹ The king's commissioners, who had been occupied with other pressing matters elsewhere, now returned to York, and in order to put a stop to this conflict of authority appointed commissioners and
1665. issued a proclamation ordering the inhabitants
of

270. *Vide* Massachusetts Archives, Vol. III, p. 265.

271. *Vide* Massachusetts Archives, Vol. III, p. 266.

was a proclamation commanding "a resignation from all persons usurping" the government of the Province and notifying them of the unlawfulness of such proceedings. Particularly to the Governor & Council of the Massachusetts Colony; protesting against their interfering with the government thereof as they will answer to God and all his Majesty's Majesty." In this the Massachusetts councillors replied that the nature of the question was "a part of the Patent granted to the Massachusetts which might precede the Patent granted to the Province and therefore the Council may not give up the interest of the Colony without the consent of the General Court, and as they believed that this matter had been maintained they declared that no person should act under the authority of the Governor or exercise any government in the Province and that in attempting to exercise government they would be in violation of the law—they must be accounted as usurpers the Court expect to be a complaint to the Massachusetts for the same." The King's Council, however, had been occupied with other pressing matters elsewhere now returned to York and in order to put a stop to this conflict of authority, granted a commission to the inhabitants issued a proclamation ordering the inhabitants of

of the Province to submit to them, and forbidding in his Majesty's name, "as well the Commissioners of Mr Gorges, as the Corporation of the Massachusetts bay, to molest any of the Inhabitants of this Province wth their pretences, or to execute any Authority within this Province untill his Majestie's pleasure be further knowne." They also commanded all who laid claim to lands within the Province to produce their titles within a year.²⁷² The boldness and manliness of George Cleeve were now shown in a petition of the inhabitants of Falmouth directly to the King, for we must believe him to have been instrumental in procuring it if not indeed its author.²⁷³ All that he had was now at stake. The title which he held to the Neck and under which he had made large conveyances to the inhabitants of Falmouth would be annulled by the Royal Commissioners, to the great loss of the innocent grantees, and also the many grants which he had made as the agent of Baron Rigby, hence he bestirred himself for one more effort. The opening of the petition is pathetic in its humility and will repay reading. It sets forth the reasons of the inhabitants for not submitting to the government of Gorges in accordance with the king's command, and why they preferred to live under the authority of Massachusetts. The petitioners,

quoting

272. *Vide postea*, Collateral Documents, No. XXXVII.

273. *Vide* Early Records of Maine, Vol. II, p. 107.

quoting an expression of the king respecting the Massachusetts colonists, "that whereas they haue exceeded others in pietie and Sobrietie, Soe God hath blessed them above others," say that "haveing had pietie so countenanced and justice soe well executed" they had "found God's blessing" in their "lawfull callings and endeavours more in one yeare than in severall before or since our late troubles." They then refer to the proclamation of the Royal Commissioners forbidding obedience to either of the conflicting governments, against neither of which they have just ground of complaint, and being "taught out of the word of God that obedience is better than sacrifice," they desire "to be wholie and solie where God, by his providence and your commands shall cast us." Counter petitions were the result of this, and upon the return of the Royal Commissioners to York, where they held a Court, all the grants made by Cleeve under authority of Rigby were declared void.

Cleeve was now getting to be an old man. His property and influence were gone. Men who had been friendly to him, but who had suffered through loss of lands purchased of him, must have grown cold towards him. But though he was old and in the furrow of misfortune, the old spirit survived as we see by the record

record of the Court established by the Royal Commissioners at Casco, wherein appears this curious entry:

"Mr Geo: Cleve binds himselfe In a bond of Twenty pounds unto our Sovereign Ld the King to bee of good behavior towards all men espetially towards such who at any tyme shall bee ordered by authority to Inflict any punishment upon his servant Tho. Greenslede for his disobedience or disorders."

From this it would appear that even in his old age he had protected a favorite servant of more prosperous days, who was probably given to occasional tipping disorders, from punishment by the new authorities whose overbearing rule was hateful to him. Once more only,

and that at the next session of the Court at 1666. Casco, does he appear to us, this time to press for the payment of a debt claimed as his due, and here the curtain falls upon him.²⁷⁴ In later petitions which would have borne his signature had he been living, his well known name is wanting, and we may properly infer that he died not long after this date.²⁷⁵

George

274. Att a Court houlden at Cascoe the 13th day of Novembr 1666:

Mr. Geo: Cleeve is plantiff In an Action of debt Contra Mr John Payn of Boston, defendt. The Jury made noe returne of this verditte because noe defendt. appeared for whom the

jury found to respond y^r charge. Early Records of Maine, Vol. II, p. 110.

275. Following the date of September 15, 1674, but with the date which it bears unfortunately obliterated, appears the following entry in the Court

210 GEORGE CLEEVE AND HIS TIMES.

George Cleeve has been criticised adversely by several writers who have been hasty in forming opinions based upon the careless remarks of a careless writer, or upon an insufficient study of his acts. In a time when men of upright lives were charged with wrong doing, the social conditions amid which they lived making such charges easy, the character of Cleeve appears exceptionally clean. Every charge on record against him has been noted in this brief account of his life and times, that the reader might be able to form an independent judgment of the correctness of this statement, by comparison of his record with that of his contemporaries who have been commended for moral attainments by their biographers. That he was a man of great energy and perseverance, ready to take advantage of an opponent when in conflict; aye, more, an ambitious and selfish man to the degree that most men since his time have been, we may

Records. If it is properly placed, we must infer that George Cleeve was living in 1674; but the author doubts that the persons named in the entry as the magistrates, were really such at that date, hence he is inclined to the opinion that the entry is misplaced in the Court Record.

Att Court of associates shouliden at Scarborough for the County of Yorke the 15th day of Septembr * * * Mr. Robert Jordan plant: In an Action

of unjust Molestation as hy as fifty pounds Contra Mr. Geo. Cleeve Defendant:

The Court finds for the plant : five pounds & Costs of Court 2*£*. 2s.

* * * bnt Jordan Plant: In an Action of vexatious suite as hy as * * * ounds, Contra Mr Geo : Cleeve Defend^t:

* * * t findes for the Defend^t. Costs of Court eight shillings. Early Records of Maine, Vol. III, p. 101.

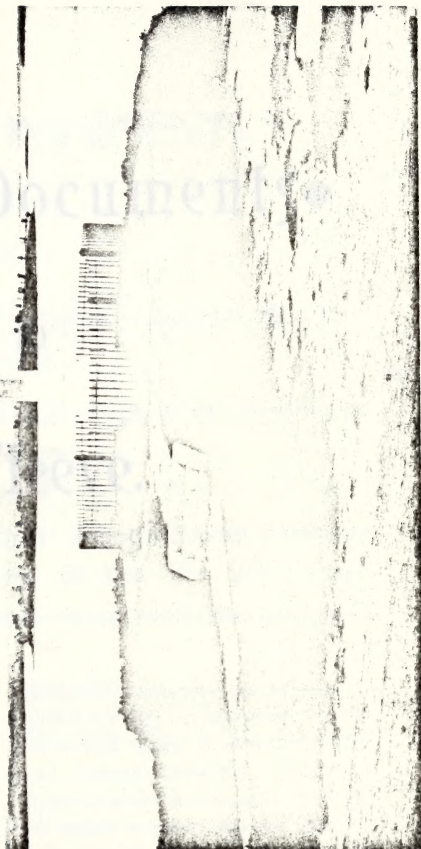
may justly admit. Such qualities, some of which are not consonant with the ideal Christian character, have been possessed by successful and honored men of all times, and, we may not uncharitably suppose, are possessed by such men even in this more enlightened day; but that he was an immoral or dishonest man we may not justly admit; indeed, we may claim after a careful examination of such facts as have been preserved relating to his character, in connection with the turbulent times in which he played his part, that he stood morally above the average of the people about him. We have thus made the acquaintance of George Cleeve, who occupies a large place in the history of our State, and especially of the city of Portland whose founder he was, and although we may not know who was his father, we have seen that he was, as Cotton Mather says the Italians express it, "A son to his own labors."



•Collateral*Document*

Relating

George Cleeve



MONUMENT TO GEORGE CLEEVE,

◎ Collateral * Documents ◎

Relating to

George · Cleeve.



COLLATERAL DOCUMENTS.²⁷⁶

No. I.

EXTRACT FROM LETTER OF MATTHEW CRADOCK TO JOHN
WINTHROP.

Laus Deo, In London 15 March 1636, Stilo Angliae.
WORTHEI SIR:

* * * * *

I may not omitt to accquaynt you with one passage touching the generall, nameley of one Mr. Cleve and Mr. Tucker who this last yeere were with me and pretended

276. These documents and quotations from them are given *verbatim et literatim*, that the reader may have them before him as they are. George Cleeve has been called illiterate by persons not sufficiently familiar with Manuscripts of his time to form a correct judgment. Such critics measure his literary productions by modern

standards which may not properly be applied to them. A comparison of his letters with those of Governor Cradock, Robert Trelawny, Mayor of Plymouth and others equally eminent, will suffice to show that his literary equipment was as complete as that of other men of considerable prominence in affairs contemporaneous with him.

tended great good to our plantacion & great ffauour they could haue at Court, & desired my approbacion of somewhat they intended, whereto I could say nothing till I saw what it was. Wherevppon they brought me a writing which hauing seeyne I vtterley dislyked & disauowed for hauing owght to doe therein, but taking it to peruse before I would geeue my answere, caused a copy to bee taken which I send you herewith. Sence Mooreton from them came to me on the exchange, & Mr. Peirse being there, I hauing noe desire to speake with Mooreton alone putt him of a turne or 2 on the exchange, till I ffound Mr. Pierse, & then caled him to me, and in his presence disauowed to haue aney thing to doe therein, for Moreton would have had me pay the chardge or promiss some such matter in taking out somewhat vnder the seale the beeing done one or about the 9 January last, vppon the exchange, as Mr. Pierse cane relate vn to you.

No. II.

PATENT OF SIR FERDINANDO GORGES TO GEORGE CLEEVE,
JAN. 27, 1636.

This Indenture made the twenty seauenth day of January, In ye Twelueth yeare of the Reigne of our
Souereigne

Souereigne Lord Charles by the Grace of god, king of England, Scotland, France, & Ireland Defend^r of the faith &c: between Sir Ferdinando Gorges, of Ashto: Phillippes In the County of Somersett knight, of the one parte, & Geo: Cleeue of Cascoe, In the prouince of New Somersett, In New England in America Esq^r. & Richard Tucker of Casco aforesd of the sa Province of New Somersett, of New England in America Gentle, on the other partys, witnesseth that the s^d Fardinando Gorges, for & in consideration of one hundred pounds of good & Lawfull money of England to him In hand payd before the sealing & delivery of these P'sents & alsoe for diuerse other good causes, and Considerations him the sayd Sir Fardinando Gorges, herevnto especial-ly mouing: hath giuen granted bargained, sould, & Confirmed vnto y^e s^d Geo: Cleeue, & Rich^d Tucker there heyres, & assignes: all that part purpart and portion of Land In America, parcell of New England In America, hereafter In these P'sents discribed & to be discribed by the lymitts & bounds thereof: That is to say all that part, purpart, and portion of land, beginning at the furthestmost poynt of a Necke of Land, Called by the Indeans Machegonne & now & for ever from hence forth to bee Called, or knowne by y^e name of Stagomor, & soe along the same Westwardly, as it tendeth to the first
under Fall,

Fall, of a little River Issueing out of a very small pond, & from thence ouer land to the Falls of Pessumpsca, being the first Falls in that River, vpon a streight lyne contayneing by estimation from fall to fall as aforesd neare about one English mile, which togeather with the s^d Necke of Land, that y^e s^d Geo: Cleue & the s^d Rich^d Tucker, haue planted for diuerse yeares already expired, is estimated in the whoole to bee fiveteene hundred acres, or y^r about as alsoe on Island adjacent to the s^d premises, and not in the Tenure & occupation of the s^d Geo: Cleue & Rich^d Tucker, comanly called or knowne by the name of Hogg Island: which sayd premises with the appurtenances, are not already pose't or past to any other P'son, or persons, soeuer but now granted by mee, & this my spetiall order, for Confirmation y^r of under my hand and seale. All which premises now are and hereafter shall bee, demed, reputed, and taken to bee parts, parcells and Members, of the prouince of New Somerset Shyre, in New England aforesd: and alsoe the s^d Sir Ferdinando Gorges, for y^e Considerations aforesd, hath giuen, granted, barganed sould and confirmed, and by these P'sents doth giue, grant, bargane, sell and confirme vnto the s^d Geo: Cleue, and the s^d Rich^d Tucker there heyres, and assignes, togeather with the s^d portion of Lands and premises, all the Soyles, ground^s, Wood^s and vnderwood^{ds}

vnderwood^{ds} Hauens Ports, Riuers, waters, Lakes fishings, Mines, and Mineralls, as well Royal Mines of gould and silver as other Mines, and mineralls, pretious stones, quarries, and all and singular other comoditys, Jurisdiccions Royaltys priuiledges, ffranchises, and phemenenses wtsoewer within the s^d Tract of Land^s and premises, or with in any part or parcell y^r of. Haueing excepting and reserueing onely out of this present grant the fifth part of all y^e Oare, Gould, or silver found, or to bee found in or upon the premises or any part or pcell, y^r of, due unto his Majesty, his heyres, and successors and now or at any other tyme hereafter reserved, to be reserved. To haue and to hould all and singular the s^d part, purpart, and portion of Land^s and all other y^e premisses herein mentioned to bee barganed, sould granted, and with there and euery of there appurtenances, vnto the s^d Geo: Cleue, and Rich^d Tucker there heyres, and assignes. To the onely p^rper use and beehooft of them the s^d Geo: Cleue and Richard Tucker, there heyres and assigns to the end and full Tearme of Two thousand years fully to bee compleat and ended, to bee houlden of the s^d Sir fferdinando Gorges and his heyres Lord, or Lords of the s^d Province of New Sommersett Shyre as of his or there Mannor of Williatton and free Mannors in Fee and comon Socage, by ffealty, onely for all manner

ner of services, and the yearly Rent of Two shillings p^r hundred, for every hundred Acres y^r of, bee it in Wood, Meddowing, Pasture, or Tillage.

The same to bee Levied by distresse, or otherwise, according to y^e laws or costome of the Realme of England, used and approved within the same for Tenants of the like nature: and the s^d Sir fardinando Gorges for himselfe his heyres, and assignes, doth covenant promisse, and grant to and with the s^d Geo: Cleeue and Richard Tucker theyre heyres, and assignes by these P'sents That hee the s^d Sir Fardinando Gorges, his heyres and assigns shall and will from tyme to tyme and at all tymes hereafter, do make acknowledge, execute, and suffer, or cause to be done, made, acknowledged executed, and suffered all and every such further and other reasonable Act and Acts Thing and Thinges devise and devised in the law, for the further and better assurance and firme making of all and singular the sayd Land^s and other the s^d premisses with there and eury of theyre appurtenances vnto the s^d Geo: Cleeues, and the s^d Rich^d Tucker, theyre heyres and assignes by his and y^r counsell Learned, In y^e lawes shall be reasonable deuised aduised or required. And Lastly the s^d Sir Fardinando Gorges hath Constituted, ordayned and appoynted, and by these P'sents doth constitute, ordayne, and appoynt his

his trusty and well beloved Isacke Allerton, and Arthur Mackeworthy, Gentle: his true and lawfull attorney and attorneys, jointly or seuerally for him and in his name, to Enter into the s^d Land^s, and other the s^d barganed premises, or into any part or p^cell y^r of in the name of the whoole: And y^r of to take full and peaceable possession, and seisin, and after such possession and seisin soe had and taken: Then for him and in his name, to deliuer full, and peaceable possession, and seisen, of the same Land, and premisses, vnto the sayd Geo: Cleuee, and Richard Tucker, theyre heyres and assigns, according to y^e Tenour affect and true meaning of these P'sents. In witness w^r of the s^d partys to these P'sent Indentures, Interchangeably have sett two y^r hand^s and seales: Dated the day and yeare first herein aboue written Anoque Dom 1636.

FERDE: GORGES

Sealed signed and deliuered in y^e presence of

WILLIAM WHITHINGTON,

JOHN WHITHINGTON.

Vera Copia, transcribed out of the originall, and y^r with Compared word for word this 26: day of June; 1660: as

Attests

EDW: RISHWORTH *Re: Cor:*

Memorandum

Memorandum that I Arthur Mackeworth Gentle:
haue taken and Deliv^d: possession and seisin vnto
Geo: Cleeue Esq^r and Richard Tucker Gentleman,
according to the order within prescribed. In witness
w^r of I haue herevnto sett my hand this eight day of
June 1637:

In P'sents of ARTHUR MACKEWORTH.

THO: LEWIS,

Vera Copias taken

JOHN BICKEFORD,

P EDW: RISHWORTH *Re: Cor:*

GEO: FROST.

No. III.

THOMAS TAYLOR TO JOHN WINTHROP.

*To the Woorp^{ll} John Wainthropp Esquire, ddd in New
England, P my good frind Mr. George Cleiue:
whom God p^rserue.*

BRISTOLL the 25th M^rch: 1637

WORTHIE SIR,—After my due respects p^rmitted, I
made bold, although vnacquainted, to addresse thes few
lines vnto yow; w^{ch} are to giue yo^r Woorpp to vnder-
stand that about one yeare since I sent my sonn Humph-
rie Tayler from London ouer into New England, and
furnished hem wth such necessities as was then needfull,
and

and paid his passage, and haue sithence sent hem ouer more for supplye, as by the Invoice, w^{ch} my good frind Mr. George Cleive will show vnto yow, may appeare: it notwthstanding all w^{ch}, my sonn doth continuallie pas bills of exchange vppon me for seuerall soms of monie. How he liueth to spend so much monie I know not; for he neither sendeth me anie accounts nor returns: and I do much feare that if he showld continew that cours he would be a means of my vndoing; for preuenc whereof, hearing of yo^r good worth and good gouernment in that countrie, haue p^rsumed to make bolde to authorize yow, together wth Mr. Jn^o: Humphry and M^r. Cleiue to take such cours wth my sonn for the getting of such goods he hath left into yo^r hands, as yow shall find fitt: wherein I humblie craue yo^r best aide and assistance, and that yow wilbe pleased amongst yow to dispos therof as it shall seeme best vnto yow for my benefitt: and also to dispose of my sonn as yow shall thinke best, the w^{ch} I will indeauor to requite, to the vtmost of my power. I thowght fitt to name M^r. Cleiue in the letter of Attornie, because he was heare p^rsent and by his aduise made bold wth yow also. I craue p^rdon for my boldnes, and leaue all to yo^r dew consideracⁿ; and humblie take my leaue, resting

Yo^r Worps to be comanded

THO: TAYLOR.

No. IV.

SIR FERDINANDO GORGES TO SIR HENRY VANE, JOHN
WINTHROP, AND OTHERS.

To my much respected freindes Henry Vane, John Winthrop, John Haines, John Humfrey, and John Dudley, Esquiers, give theis with speed.

MAIE IT PLEASE YOU,—Having receaved severall lettres from my servant Vines, and others, of the generall dislike conceaved against Mr. Cleeves, for having to doe with anie my affaires, by reason (as it is affirmed) of the miscarriage of him, as well towards myselfe in particular, as the wronges hee offered them by his misreports to mee of their miscarriage in their places, whereby hee hath intruded himselfe into my good opinion soe far forth as to bee joyned with you in matters of soe greate trust, being soe unworthey; which complaint of theirs hath so far forth prevailed with mee (if it bee soe) as to desire your favourable excuse; and to give my order to my servant Vines for the righting of mee, and vindicating of himselfe, and the rest, taking an ordinary course for the farther questioning thereof, and to proceed therein according as it shalbee found of more or lesse consequence, which I refer vnto your judgments (to whome hee is to adresse himselfe for justice) to censure

sure as to you it shall seeme good, vppon a full hearing, and due prooffe made thereof. As for Vines, I know his honesty to bee such as I could not abandon him out of my affeccion, as formerly I haue written, yet I conceived it not amisse to rancke him with the rest in the generall discharge, that it might appeare there was noe partiallity vsed, nor respecte of persons, for therein I spared not my nephewe, whome I esteeme next my owne children.

As for Vines, I intend hee shall still continue Deputie Governour, and soe doe pray you to settle him as before hee was, and to joyne with him my nephewe Champ-ernowne, and such others as you shall receave notice to bee fittest for such service; that thereby you maie avoid the troubles you may otherwise bee put vnto, by the maney trobbles that maie arise soe farr distant from you. What resteth more to bee done in this, I refer to your best resolucions, as tyme and occasion serves, wherein I feare I haue too much trenched vppon your favours. But my trust is, as shall bee my endeavours, that I maie attaine to the oppertunity to make you some kind of requittall, and that in some nature to your good likinges. In the meane while let mee tell you that being at London this last Terme, and daiely in Company with the Lordes, I heard nothing of the Commission Cleeves
assured

assured mee was afoote, contrary to the expectation I had thereof, vppon confidence of Mr. Cleeves reporte to mee. By which meanes I was (I fear mee drawne to abuse you vnwillingly) by my certificate in his behalfe. But a little to excuse him therein, for that it might bee he was soe perswaded vppon such promises as Moorton his agent assured him, who since is wholly casheered from intermedlinge with anie our affaires hereafter; but this I write to you in perticular, that you maie take private notice thereof, and howe much I am offended with my selfe for being over credulous of another, neither needes it seeme strang it should beesoe, consideracion being had to the sincerity of one, and the fraude of others. But I will forbear to say more in this subjecte, and onely leave all to tyme and oppertunity, desiring the assistance of the Most Highest to give me power to doe what shall make most for his glorie, and the publique good of his Church, to whose sacred proteccion I committ you, with the assurance that I will approve my selfe.

Your true friend, to serve you,

FERDE: GORGES.

Ashton Phillippes, 23^o Augustij, 1637.

Indorsed by Gov. Winthrop, "S^r: ffer: Gorge."

No. V.

FIRST GENERALL COURT HOLDEN AT SACO THE 25TH DAY
OF JUNE 1640.

George Cleeves, gen. Foreman of the Grand Jury.

Plaints entered at this Courte:

George Cleeves of Casco, gen. plt: Jn^o. Winter of Richmond Island, deft. an action of trespas upon the case.

The same plt. against the same, deft. an action of Interruption. Mr. Abraham Shurt and Mr. Thomas Williams become speciall bayle to the plaint. in a thousand pounds, that the defend. shall appeare to both these actions at a Court to be holden here the 8th day of September next. The plaintiff here declares in both actions; and the defend. is ordered by the Court to bring in his answeares unto Richard Vines, Esquire, at or before the 25th day of August next, and the defend. is ordered likewise to put in his replyes at or before the first day of September next.

Jn^o. Hickford, plaint. George Cleeves, gen. and Richard Tucker, defendants: an action upon the case. The plaint. for not declareing, was non-suited, and ordered to pay the cost of the Court.

George

George Cleeves arbitrator with Arthur Mackworth in case of John Bonython vs. Richard Gibson.

The complaint of Jn^o. Hickford against George Cleeves, gent. and Richard Tucker.

The Complainant humbly sheweth that whereas about the 14th day of November, 1637, there was an account passed betweene the complainant and George Cleeves and Richard Tucker upon w^{ch} account ending, among other goods the said George Cleeves and Richard Tucker for satisfaction did sell and deliver to the complainant onethousand of clapboards, craveing then from him a generall acquittance, w^{ch} the said complainant did then likewise give the said George Cleeves and Richard Tucker they promising the complaneant that if he could not enjoy the said clapboards that they would notwithstanding the said acquittance, give him satisfaction for them according to the rate he tooke them, notwithstanding the said George Cleeves and Richard Tucker did formerly know that the said clapboards were in controversy, nether can the complaneant enjoy them, and they utterly refuse to give the complaneant any satisfaction for the same. Whereupon he humbly intreateth this Court to take the same into consideragon and to grant him the like priviledge w^{ch} the honorable Court

of

of Chancery affoordeth all his maties subjects in cases of this nature.

Your humble petitioner,

JOHN HICKFORD.

The Court hath ordered the defendant to answear to this bill at the next Court to be holden here.

Memorand. that here is a matter depending in this Court betweene Mr. Edward Godfrey and Mr. George Cleeves, concerneing 20*£* w^{ch} the said Edward Godfrey doth demand of the said George Cleeves by virtue of an order out of the high Court of Starrchamber for costs in that Court by a speciall writt.

George Cleeves arbitrator in case Thomas Crocker vs Thomas Cammocke and Ambrose Berry.

Case of Jn^o Winter for extortion.

At a Courte holden at Saco, in the Province of Mayne, the 8th day of September, 1640.

George Cleeves of Casco, gent, plaint. Mr. Jn^o Winter of Richmond Island, defend an accon of trespas upon the case for the trover.

The same plaint. against the same defend. an accon of Interruption.

George Cleeves arbitrator in case Hugh Yeo vs Tho. Purchas.

George

George Cleeves arbitrator in case of Jn^o Richards vs Francis Knight.

Jno. Hickford, plaint. Jno. Lander, defend^t. Jn^o. Lander, plaint. Jn^o. Hickford, defend. Cleeves arbitrator.

Early Records of Maine Vol. I, pp. 60, 68, 69, 70.

No. VI.

ORDERS MADE THE 17TH OF SEPTEMBER, 1640.

Whereas a difference had bin formerly betweene George Cleeve, gent. and Will^m. Ryall, it was ordered by this Courte, wth consent of the said pties. that the matter in difference should be arbitrated by Mr. Robert Jordan, Geo. Frost and Jn^o. Baker, this 15th day of September, 1640. Now the said awardsmen doe publish this their award in this Court, viz: that the said Geo. Cleeve shall pay or cause to be payd to the said Will^m. Riall, five pounds starling on the 12th day of October next, at the now dwelling house of Mr. Arthur Mackworth, and if the said George Cleeve shall pay the aforesaid money in swine or gotes the said swine or gotes to be prized by the said Arthur Mackworth and Arnold Allin as they are

are worth in reall money, and for non payment on the day aforesaid the said Geo. Cleeve to pay the said Will^m. Riall five pounds more.

Given under the hands of

ROBERT JORDAN,
GEO. FROST,
JN^o. BAKER.

Geo. Cleeve, gent. and Will^m. Riall bound themselves each to other in one hundred pounds starling to stand to the award of those men.

George Cleeve Arbitrator in case of Robert Knight vs Francis Knight.

Early Records of Maine Vol. 1, pp. 95, *et seq.*

No. VII.

RICHARD VINES TO JOHN WINTHROP.

ffor Mr. Wentrope.

SIR,—Three or 4 yeares since Mr. Cleiues, being in England, procured a writ out of the Starr Chamber office, to command Mr. Edward Godfrey, Mr. John Winter, Mr.

Mr. Purches, and my selfe, to appeare at the Counsell table; to answear some supposed wrongs. Mr. Godfrey went over to answear for himselfe, Mr. Winter, and my selfe, and out of the same Court brings a writt to command Cleiues to pay vnto him 20 li: for his charges, which he refuses to doe. Now Sir Fferdinando Gorges gaue me order to see Mr. Godfrey haue right in this case. Cleiues says we have nothing to doe, neither haue wee any power to levy money here vpon any writts that come out of England, for he will answear it from whence it came. I shall humbly intreate your advise herein, what course is to be taken, that I may free my selfe from blame and the malice of Cleiues, who is a ffire brand of dissention, and hath sett the whole Province together by the yeares. I make bould to trouble [you] herin, as a case of greate difficultie, desiring your answear by the first convenience.

I vnderstand by Mr. Shurt that you desired some gray pease for seed. Out of my small store I haue sent you a bushell, desiring your acceptance thereof, ffrom

Your ffreind and servant,

RICH: VINES.

Saco, 25th Janu: 1640.

No. VIII.

RICHARD VINES TO JOHN WINTHROP.

To the right worshipfull his much honored freind John Winthrope Esqr. Governor of the Massachusetts Colony, these, Boston.

RIGHT WORSHIPFUL,—I am forced to complayne vnto you of diverse insufferable wrongs don vnto Sir Fferdinando Gorges, his Commissioners and Province, by Mr. Cleiues and his agent, Mr. Tucker, who report that you protect and countenance there exorbitant practices, which I canot beleive, for I never yet knew you giue the least encouragement to any sinister practice. Mr. Cleiues having perswaded Mr. Rigby, (a worthy gent. by report) to buy the Plough Patent, which I esteeme no better than a broken tytle, by Mr. Rigby his authority, (and as he sayes by your approbacion) he hath nominated Commissioners, a Coronell Generall, Provost Marshall, and other officers, extending his government from Sackadehock to Cape Porpus, being aboue 13 leagues in lenght, haveing likewise appoynted a Court to be kept in Cascoe bay the 25th of March next, and hath (but this by past weeke) sent his agent Tucker with a paper, perswading all such as he findes any way inclyning to innovation, to set there handes to it, for the better ap-
proving

proving of what they haue begun, and allsoe to intreate your Worship and the rest of your magistrates to defend them from Ffrench, Indians, and other enemyes, which wee construe to be Sir Ffard: Gorges Commissioners. Neither hath Cleiues (as he ought) presented any his authority at our last Generall Court; but, 2 dayes before our Court, tooke a vioage into the bay and all the way as he went from Pascataquack to Boston, he reported he was goeing for ayde against mee, for that I had threatned him and his authority to beate him out of this Province. By this false report and many other the like, I am held an enemy to iustice and piety. Sir, I professe vnto you ingeinously, I never threatned him directly nor indirectly, neither haue I seen him since he camme out of England. I haue suffered him to passe quietly through our plantacion, and to lodge in it, althoughe I haue binn informed that he was then plotting against mee. I am troubled at these seditious proceedings; and much more at his most notorius scandalls of Sir Fferdinando Gorges, a man for his age and in integrity worthy of much honor; him he brandes with the foule name of traytor by curcumstance, in reporting that he hath counterfeited the King's broade Seale, (if he haue any Patent for the Province of Mayne) ffor, sayes he, I haue serched all the Courtes of Record, and
can

can finde noe such grant. How could he haue giuen that graue knight a deeper wound in his reputacion, the which I know is more deare to him than all the wealth in America. He likewise still maynetaynes his false report of his death, in his flight into Walles, not with standing a letter dated the 25th of 9ber last, from a marchant in London, of very good credit, and brought in Mr. Payne his ship, which letter imports Sir Fferd: Gorges his good health, with the restauracion of his possessions agayne. Sir, I haue made bould to lay open our grevances, desiring you to take them into your graue consideracion, hoping if wee be forced to take such courses with Cleiues as the necessity and the equity of our cause requires, you will not thinke wee haue don amisse in it; yett we will (if possibly we may) forbear till I heare from you. Now for the Patent that Mr. Rigby hath bought, it is not from our kings majestie, as Cleiues reportes, but from the President and Counsell of New-England, as myne and others are, wherein Mr. Rigby hath from there LL: ^{Ps} *Jura Regalia*, but his majestie takes that away by his royall grant to Sir Fferd: Gorges bearing date the third of Aprill, in the fifteenth yeare of his highnes raigne. Now I conceue Mr. Rigby his agent is but to recover soe much land as the grant specifies, and to relinquish there *Jura Regalia*, as you may

may perceiue in the last clawse of our grant herewith sent you. I am very confident that Sir Fferd: Gorges hath not as yett disposed of his lands here, for without question he would haue given notice of it to his Commissioners; and therefore we ought not, vpon the bare reporte of Cleiues, to relinquish either his right of possessions or government. Yet I did ever, and doe intend, whensoever Mr. Rigby shall send over people, to lett them settle peaceably, to ayde and assist them to the best of my power, without questioning of *meum et tuum*; ffor this I know, if Sir Fferdinando Gorges and Mr. Rigby meete, all matters wilbe quietly ended, if there be no incendiaries here. I will endeavour for peace, soe far forth as I doe not betray the trust confided in me by my honored ffreind and *quondam* master. I haue ever found you my worthy freind, far beyound my deservings, and haue therefore freely applyed my selfe vnto you, vnto whome I am ever obelighed to remayne

Your faythfull freind and servant,

RICH: VINES.

Saco, the 9th of January, 1643.

Good Sir, present my humble seruice to your vertuous wife.

Indorsed by Gov. Winthrop, "Mr. Vines about Mr. Cleues

Cleues, and a copy of some parte of the Prouince Patent.
Rec: (1) 8, 1643."

[Extract from the Grant of the Prouince of Maine to
Sir Ferdinando Gorges, enclosed in the preceding
letter.]

NEVERTHELESSE our intent and meaninge is, that out
of the premisses hereby granted or mencioned to be grant-
ed, there shalbe alwayes saved and reserved to all and
every such person and persons as haue or hath any law-
full grant or graunts of landes or Plantacions, lawfully
setled in the division and premises aforesaide, the free
holding and enjoyeing of his and there right, with the
libertyes there vnto appertayning, he and they relin-
quishing and layeing downe his and ther *Jura Regalia*,
(if he or they haue any) to the said Sir Fferdinando
Gorges, his heires and assignes, whome wee haue hereby
made proprietour of the province, division and premises
aforesaid, and payeing some small acknowledgment to
the saide Sir Fferdinando Gorges, his heires and as-
signes. In witnes wheir of wee haue caused thes our
letters to be made Patents. Witnes our selfe at West-
minster, the third day of Aprill, in the fifteenth yeare
of our raigne, &c.

Copia vera

RICH: VINES

No. IX.

GEORGE CLEEVE TO JOHN WINTHROP.

*To the honered John Winthrop Esquire Gouvernour thes
present.*

CASCO BAY this 27th of the 11 month, 1643.

HONERED SIR,—With my most humble sarvice I salute you, accnolidging my duty of thankfullnes to you for all formar favors shewed mee ; and whereas you were plesed at my request to writ to Mr. Vines and others in behalfe of Mr. Rigbies authority, of which I informed him in my last lettars, assuring myselfe that hee will not be vnmyndfull to requit your love therein. What Mr. Vines answered you I know not, but thus can afferme and proue, that by his practis he doth slitly regard your advice therein (as may appere by the supplication of the inhabitants of Ligonias and other passeges, the truth whereof this bearrar can informe you, as allso of there c[on]-saltations with Mr. Jurdin a ministar of antichrist, there chefe counsellar) who doth not only calumniat and slander the parliament of England with vile reproachfull termes, as rebellious, factias trayteros parssons against the king, but allso belteth out his blasfemise against the churches of Christ in this land, charging them with
scisme

scisme and faction for fasting and praying for the affliction of there brethren in England; denying it to be the hand of God vpon the land for sinn nor the occation of papist or evell counsellars, but for the rebellion of the Parliament and the puritant faction there; with many othar passages of that vnworthy Ballitte, of which this bearer Mr. Tuckar, can informe you, as allso of Vines his dealings with him, and of his thretning to send mee pressonar to England in Mr. Trelanies ship, which inforseth mee once more to joyne with the inhabitants of Ligonias and humbly to desire your assistance against there vnlawfull practises; and so much the rather for there wicked opposition of the ways of Christ. They seeing vs about to settle our selues vnder the ministry, and that wee are in hope that the Lord will gather a church amongst vs, this causeth them and there prelaticall counsellar to raidge, which will insite you to assist vs so much the rather. I nede not here acquaint you what tyle they pretend to haue from the king, although we never saw any, nor know of any they haue, seeing you better know than my selfe that the king can not lawfully grant what was formarie granted by that acte of Counsell established at Plymth, to whose better judgment I submit, beseeching you to answer the inhabitants petition and hopefull expectation, committing you to God's holie

holie protection, resting evar redly to sarve your com-
mande

Whilst I am

GEORGE CLEEVE.

Indorsed by Gov. Winthrop, "Mr. Cleves Lettre to
me."

No. X.

RICHARD VINES TO JOHN WINTHROP.

*To the right worshipfull his much honored freind John
Wenthorpe Esqr., Governour of the Massachussetts
Colloney, these, Boston.*

Right Worshipful,—I haue formerly sent you two
letters, the one in answeare of yours, concer[n]ing the
busines of Mr. Scott, the other declaring in part the se-
ditiou[s] and malicious practices of Mr. Cleeues and Mr.
Tucker his agent, against the peace and government of
this Province, and vnder pretence of authority from Mr.
Alexander Rigby, a worthy gentleman (as I haue bin
tould by your worship and others). I presume he will
not tollerate any irregular or exorbitant courses, either
against publique government lawfully established or
against perticular persons, for a private revenge. Mr.
Cleeues

Cleeues endeavours the ruine of both, as by my former letter to you is evident. Since which tyme he hath held a court at his house, where were all the refractory men of our Province and few other. They framed a letter, directed to Cleeues and my selfe, telling vs that it was ther resolucions, (and that they would stand to it) that wee should try our rights of government before the worthy magistrates of the Massachusetts Bay, till it shalbe otherwise made knowne vnto them by a tryall in England; if not, they will stand as newters, and obey neither. This I know to be Cleeues his plott to bring vs all into a distracion, and a mutiny, for he knows that neither my selfe, nor any other of Sir Fferdinando Gorges Comissioners, haue power to try his title either of land, or power and authority for government here, without his authority soe to do, neither do I beleiue that your worship and the rest of your honored Court will medle with any tryall of this nature.

There is like wise by Cleiues a letter of consosiacion which I menconned in my former letter, which I haue not seene, but our minister Mr. Jenner, tells mee that the enginere hath soe cunningly contrived it, that all those that have sett there handes to it, for matter of defence against all invasion, haue likewise acknowledged Mr. Rigby to be there Governour, being vtterly ignorant

rant of his deceit therein. Tucker being here 7 dayes since, Mr. Smith, our magistrate for Saco, and my selfe examined him vpon the premises; he gaue vs peremtory and abusiue language, wherevpon we asked him for good security for his good abearing and for his appearance at our next Court; he refusing it, we comitted him to the marshall; the next day he acknowledged a recognisance of 40 li. for his appearance, and was dismissed. He deserved much more, but we forbear till we heare from your worship, which I desire may be speedily, for the preventing of sudden mischeife and mutinous practises. I would haue sent you a copie of there letter to me, but that I heare the same is comming to you by Tucker, who is goeing for the Bay with these letters seruptiously gotten, thereby to strengthen there faction, but I hope your worship will seriously in your wisdom consider what I have written, and according to the equity of our case, send me your advise. Thus ceasing further to trouble you at present, I rest

Yours to be commanded, to the best of my power

RICH: VINES

Saco, 29th of Jan. 1643.

Indorsed by Gov. Winthrop, "Mr. Vines (11) 29, 1643."

No. XI.

GEORGE CLEEVE TO JOHN WINTHROP AND EDWARD
GIBBINS.

*To the honored John Wentthrop Esqur, and to my loving
ffrend, Captaine Edward Gibbens of Boston thes
present*

HONORED SIR, AND LOVING FFREND,—Whereas the
honorable Court of parliament was plesed, vpon my pet-
tishion presented vnto them, to derect ther honorabl
ordar vnto you in speciall, and in cace of mortality to
othars mentioned in the said Comishion, to take the
answers of partis and wittnesses, and the same to returne,
the whole prosedings I haue here with sent, and do
humbly desire you to send your warant to cale before
you Mr. Richard Vines of Sacoe, and Mr. Edward God-
frie of Agamenticous, to appeare before you at a cartine
day to com, which I conceaue will be most fit, in regard
of mens occasion of planting, to be about the midest of May
next; as allso in your warant to requir the apparanc of
John Bakar of Pascattaqua, and Frances Robinson of
Sacko, and Andrew Algar of Strattons Island, as allso
John Bonithon, gen. William Royall, and Mitchell Mit-
ton, and Richard Tucker, to proue the artickles; and as
I hope you will put in execution the authority of this
honorable

honorable Court, so I desire that you will send your warants by this bearar, Mr. Tucker, who will with trust deliuer them to the seuarall perssons so sommoned, and will make retorne of there answers, that so you may make retorne of there answers according to the de-rection of the said ordar, for which, as allso for all formar favors I will ever acknowledg my selfe oblidedg to be

Your humble sarvant

GEORG CLEEVE.

Casco Bay, the 2th day of the last month, 1643.

No. XII.

RICHARD VINES TO JOHN WINTHROP.

To the right worshipfull his honored freind John Win-thrope Esqr. Governour of the Massachusetts Colo-ny, these, Boston.

RIGHT WORSHIPFULL,—I haue lately written vnto you two letters concerning the evell practices of Mr. Cleiues and Mr. Tucker, tending to the ruine of this Province. Now hearing that Tucker is gone to your worship with false

false certificates, at least wise fraudulently gotten, many haueing sett there handes to they know not what, and besides, a greate part of them ar bound over to our Courts for notorious offences, and therefore are easily perswaded to set there handes to any thing that may be preiudiciall to a peaceable gouernment. They reporte that you will ayde them, and Tucker is now gon for that purpose, with a letter of consociation, in which Cleiues hath cunningly made all those that have subscribed to acknowledge Mr. Rigby to be there Governour; and yet, in a letter to Cleeues and my selfe from that ignorant route they will obey neither Sir Fferdinando Gorges, nor Mr. Rigby his authority, till there be a tryall for it. This letter is likewise sent to your worship, with twenty handes to it. You may be pleased to enquire of this bearer, Thomas Rogers, what manner of people they ar.

There pretence for ayde, is to defend them against the French, but there is no such cause, but only to maynetayne there seditious and mutinous practices against Sir Fferdinando Gorges gouernment. I shall therefore humbly intreate your worship to consider of my two former letters with this, and to send me your answer by this bearer, and likewise to stop the currant of Cleeues his illegal proceeding, and not to ayde them, till there bee iust cause. Haueing formerly written at large of
this

this turbulent people vnto you, I cease farder to trouble at present, resting

Your assured freind and servant,

RICH: VINES

Saco, the 12th of ffeb: 1643.

Indorsed by Gov. Winthrop, "mr. Vines (12) [] 1643."

No. XIII.

GRANT OF CASCO NECK AND HOG ISLAND FROM SIR
ALEXANDER RIGBY TO GEORGE CLEEVE.

This Indenture mad betweene Allexander Rigby, of Rigby in the County of Lancaster, In the kingdome of England Esq^r, on the one part^e: and George Cleeue and
 Rigby } Richard Tucker of Casco in the
 & } prouince of Lygonia in New Eng-
 Cleaues & Tucker } land, in America Gentleⁿ on the
 other party witnesseth, y^t the sd Allexander Rigby, for
 & in Consideration of a Competent some of money, and
 for diuerse other good Causes, and Considerations him
 y^r vnto mouing, doth by these P'sents alien, bargain,
 sell, sett, and Confirme vnto the sd Geo: Cleeue, and

Rich:

Rich: Tucker, and y^r assignes, all that on Ieland Called Hogg Island, now in the possession of the sd Geo. Cleeue, and Rich: Tucker, scituate and lying and being in Casco bay, over aganst a Certen poynt of Land Called Machegone, and all that part or parcell of Land in Lygonia afore sd lying with in the boundary and Deuises hereafter mentioned, that is to say begining at the sayd poynt of Land Called Machegone, and from thence going, westward, along the side of Casco bay, vnto a place where the nex^t River running neere to the now dwelling house of the sd Geo: Cleeue and Rich^d. Tucker and Issueing out of a little pond falleth into Casco bay and from thence assending the North East side of that River, to the nex^t Fall in that River, and from thence in a right streight and direct Lyne, vnto the last fall In the River Pesumscatowitt, that fall therein which is nex^t vnto the sea, and from thence discending downe the south west side of that River, vnto a place w^r y^t River Falleth into Casco bay, and from thence goeth along the side of Casco bay, vnto the sd poynt Called Machegonne, with all and singular wood^s, underwood^s, water^s, water Courses, fishings^s, fowlings, Mines, Mineralls, as well as gould and silver, as other Mines and Mineralls, pretious stones, and quaryes w^tsoever, within the sd boundarys and deuises with there and euery of there appurtenan-

ces,

ces, and together alsoe with free liberty to fish and fowle in and vpon the sd River Pesumpscatowitt betweene the sea and a Certen place in that River which is distant fiveteene hundred yard^s from the sayd last fall of that River, and together alsoe with free Lyberty to fish In the sea afore sd, and In that part of the shoare there of, which lyeth betweene the sd Island and the sd Land^s Contayned within the sd boundary or deuise To have and to hould, the sd Ieland, and all and singular the sd Land^s and premises before by these P'sents mentioned, to bee Alienated barganed, and sould, with there and eury of there appurtenances, vnto them, the sayd Geo: Cleue and Richd Tucker, and y^r assignes, from hence forth for and dureing the tearme of Two thousand yeares, now nex^t and Imediately Ensewing, and fully to bee Compleate, and ended without Impeachment^t. of or for any manner of wast, and with free lyberty to do and Committ all manner of wast what soever, yeilding and paying there fore yearly vnto the Kings Majesty his heyres and successors, one fifth part of all the gould and silver oare to bee had, or found in and vpon the sd Land before mentioned, to bee barganed, and sould, And yeilding and paying yerely for the sd Island, vnto the sd Alexand^r. Rigby his heyres and Assignes soe many seuerall somes of One farthing of law full money of England

cess, and together also with free liberty to fish and
 fowls in and upon the sd River. Pursuant to the
 twelfth the sea and a certain place in that River which
 is distant sixscore hundred yards from the said place
 fall of that River, and together also with free liberty
 to fish in the sea along sd and in that part of the
 thereof which lyeth between the sd Island and the
 Land. Contained within the sd boundary or boundaries
 have and he should the sd Island and the said
 the sd Lands and premises before in these Letters
 seemed to be. Allocated bargained and sold with them
 and any of their assignances unto them the said
 Geo. Lewis and Henry Tuck and 7 assignees
 henceforth forever during the term of 1000 years
 years now near and lawfully lawfully and fully to
 the complete and ended without interruption of any
 for any manner of use and with free liberty of holding
 Commit all manner of what what was holding and
 having their time 1000 years into the Kings heirs
 heirs and successors and the part of all the said and
 after were to be held of him in and upon the sd Land
 before mentioned to be bargained and sold. And with
 ing and paying yearly for the sd Island unto the sd H.
 Lewis, Rigby his heirs and Assigns one penny
 all some of One farthing of law full money of England

as y^r are severall Acres of Land In the sayd Island to bee yearly payd to the sd Alexander Rigby his heyres and assignes in and vpon the first day of Aprill, and the first day of Octob^r yearly by even and equall portions for all services, and demand^s and alsoe yeilding and paying yearly for the sd land^s containd with in the sd boundary and deuises soe many seuerall somes of one farthing of lawfull money of England as y^r are seuerall acres of land with in y^e sd boundary and deuices to be yearly pd. to y^e sd Alexander Rigby, his heyres and assignes in and vpon y^e first day of Aprill and the first day of Octob^r. yearly by even and equall portions for all services and demands to the Counsell established at Plymouth in the County of Deavon, for the planting, ruling, ordering and Gover'ing of New England aforsd, and y^r successors for ever, one pecke of the best bread Corne, Accompting two Gallons after Winchester measure to every pecke, for every hundred Acers of the sd Land^s, soe as aforesayd, barganed and sould yet notwithstanding the premises, the sd Alexander Rigby doth for himselfe his heyres and assignes, Covenant and agree with the sd Geo: Cleuee and Richd Tucker, and y^r assignes, that he y^e sayd Alexand^r Rigby, his heyres and assignes shall yearly from tyme to tyme vpon the payment of the sd yearly rents, of on farthing vnto him

or

or them, at anie tyme, or tymes within tenn yeares now next Ensewing repay vnto the sd Geo: Cleeue and Richard Tucker and y^r assignes, the seuerall somes of one farthing for euery seuerall Acres of the sd Land^s lying within the sd boundary and deuises for as aforesayd, barganed, and sould, as shall not then before that tyme have beene used, or occupied for arable Land, Meddow or Inclosed pastures, by the sd Geo: Cleeue and Richard Tucker, and y^r assignes or substitutes, or some of them & these P'sents wisse that y^e s^d Acres are to bee Accompted after y^e measure of eight scoore pearches to euery Acre, & a square of sixteene foote to euery pearch, & in wisse here of the partys to these P'sents haue to the seuerall parts thereof Interchangeably sett y^r hand^s & seale^s, this three & Twentieth day of May, in the yeare of our Lord god, on thousand six hundred fourty & three.

ALEX: RIGBY

Sealed & deliuered In

the P'sence of

WILLIAM WALLWYN

THOMAS MORTON

JOHN BRIDGREAVES

Vera Copia, transcribed out of y^e original & y^r with Compared word for word, this 26: June: 60: as Attests

EDW: RISHWORTH: *Re: Cor:*

No. XIV.

THOMAS JENNER TO JOHN WINTHROP.

*To the right Worshipfull his very worthy friend Mr.
Wintrop, Deputy Gouvernour of the Massat: Bay at
Boston, giue these.*

RIGHT WORSHIP,—This is to certifie you of my safe returne to Saco, though with some danger. Being returned ther, I found one of my neighbors dead, who had drowned herselfe the day before my arrivall, by meanes of Satan's violent temptations, perswading her that she was a reprobate; of whom I had good hopes. About a month after that, God struck the husband of the sayd woman with sudden death, one, on whom God had lately wrought a good worke. About fortnight after that, God struck another with sudden death, and visited with a sharpe sickness the most families of our River, but diverse of them, thanks be to God, are comfortably recovered. In the heate of God's visitation, I began to consider what it was that might move the Lord so bitterly to afflict vs; amongst other evils, I came to vnderstand that ther was amongst vs the guilt of breach of promise, and that amongst our magistrats: ffor by a letter wrot from your selfe to the inhabitants of Lygonia, I vnderstand that Mr. Vines had solely engaged his
promise,

promise, that they would sit still, & make no proceedings against Mr. Tucker, or any other (except Mr Bonython) before your selfe shall certifie them of such orders as ye may receiue out of England, which may concerne the difference betweene those here, &c. I vnderstanding here of, made bold to put Mr. Vines in remembrance thereof, wishing him to consider if he & the rest of them had not apparently broken that solemne promise, and that often times; for spedily after Mr. Vines returne, they sent their warrants for Mr. Cl. Mr. Tuck., and their adherence. Since that they sent 4. or 5. armed men, & fetched before them Mr. Henrie Wats, & bound him with his surety to make his appearance here at their Court at Saco, the 25 of the 1 m., the which he did, & produced your worships letter for his excuse: not withstanding they either would force him to submit to their Government, or pay a fine, who rather then he would pay his fine, submitted for the present, but is forthwith departing the province. That which most offends me is, that Mr. Vines hath both privately & publikly in Court, denied any such covenant or promise as your worship hath expressed in your letter to the inhabitation. Because I could not take satisfaction at Mr. Vines absolute deniall of the promise, Mr. Vines is fallen out with me bitterly, & threatens me to my face, when time shall serve.

serve. Also finding him vnfaithfull to me in other matters (viz.) privately forewarneing some to pay me any stipend, & yet deniing it to my selfe when I louingly told him of it, but was proved to his face in open Court this weeke, onely by Divine Providence, without the least act or motion of mine owne, wher upon for theise and many other reasons, I openly, at the end of the Court, gave the people to vnderstand that I was fully determined to depart & leave them, wishing them to look out for another minister: ffor I was sensib[le] of further mischeife, & danger is like still to ensue, they being resolutely bent (notwithstanding your gracious letter of advice to the contrary, read openly in the Court) forthwith to apprehend Cleaues & Tuckar, & to subdue the rest vnto their obedience and to that end haue fitted themselues with bilbowes, and ordained Capt. Bonython, Colonell General: and will not by all good counsell be diverted; I think counsell, to the contrary, doth rather (like oyle on the fire) enflame them. They take great offence at Cleaues & Tuckar for charging them with basenesse, for their perfidiousnesse & promise breaking with them. Truely I thinke verily that the maine motiue which stirs them on to be so violent against Mr. Righbies conduct, is their manifold debts to people in the Bay & else wher. Now, so
long

long as they haue the stafe in their owne hands, they care not. No man scarce durst to aske for his owne, much [less] to sue for it.

I humbly craue your prayers; also your remembrance of me as God offers opportunity. I know not what to do, but mine eyes are to the Lord, on whom I cast my care, for he careth for me. So I commit you to the Lord, and rest

Your Worships to command,

THO: JENNER

Saco, 1 m. 28, 45

I humbly intreat you to remember my kind respects of Mrs. Downeing, your good sister, who entertained me kindly in my returne, & desired much to heare of my safe returne.

Indorsed by Gov. Winthrop, "Mr. Jenner, Rec.—
(2)10, 46."

No. XV.

LETTER OF GEORGE CLEEVE TO MASSACHUSETTS
AUTHORITIES.

*To the honered Governer and Depitie Governer & Court
of assistants of the Massechusets Collenie thes*

Honored Sirs may it plesse you I haue latlie Receued
from

from Mr Rigbie lettars of derection & advice to pcede in the Goverment of his pvinc of ligonia: And becace we ar opposed by m^r Vins & othare his Confederats that we could not psede according to our instrvctions and being daylie threttned and ar still in dangar of our liues and allso to haue our estats [seazed on] by them for not Submitting to a pretended Athoritie to them giuen by sir farthinando Gorges without any lawfull Comishion and therevpon we ar in danger to be Rvened and vndon vnles the lord do move yo^r harts to ptect vs with yo^r assistance.

I do not hereby psume to derect you but humbly Craue leewe to shew myne opinnion which is that if you will be plesed to writ by yo^r Jenerall lettar to our oposits to deter them from there illeagall psedings and a lettar to our people of legonia to advice and incoridg them that not withstanding Mr Vines and the rest do oppose that they may and ought to adheare to m^r Rigbis lawfull Athoritie, I hope you shall not nede to put yo^r selues to any farthar truble to finish the worke, and in so doing you will much obblidg Mr Rigbie vnto you all who would doupless haue sent ovar othar ordar at this tyme if hee had knowne the jnivrís offered him and vs.

Thes lettars now Com ar An Answere of my lettars sent to him vpon my first arivall, and not of the last nor
of the

of the [one he had] of the Comishion as you may se by the date of them. I herewithall send you m^r Rigbis lettar of Requist to you and allso a lettar of his to mee whereby you may see how the parliament aprovethe of his psedin and that we may expect farther orders forthwith, and in the Intrim we do most humbly besech you to afford vs such spedie assistanc as the nessessitie of our psent Condishion Requireth and we shall for evar pettishion the throne of grace for you all and rest yo^r humble Sarvants

month day
Cascoe this 5 3 1645

GEORGE CLEEVE for and in
behalfe of the people of
Ligonias

We have heere sent yousevarall depositions takne before vs Consarning Robart [Nash] of Boston m^r Tucker beinge an assistant Athorised by m^r Rigbis Comishion vnder his hand and Sealle vntill the Jenarall Court shall electt there magistrats and assisters.

I George Cleue do affirme that about the 25th day of the third month last [16]45 That 3 of Andrew Algars men of Strattons Island Came to my house in a botte to borow Scales and waits to way there fish and I questioned

tioned them about all that shutting which trubled all the people in seuerall plantations and they tould mee that m^r Nash shot them and giuen them powdar to answere him againe and I allso demanded of them if they were not all drunck and they said that they were all merei.

and fathar I affirme that I went and m^r tucker with me to the howse of John Cussens and thomas Smyth in Cascoe bay and about 3 leages from my howse to haue tacken there testimony consarning Nashes slandring yo^r Jenarall Court but Could not prevail with them to take ther oath they being refrecttorie and saith that nash is in ther debt, but Confessed verbalie to vs as they had formarie tould m^r Holland of Dorchester that nash said that the Court had doon great wrong to a pore woman about a sowe and that none Could haue Justice from you but such as were membars of the Church, and tould them they were as good liue in tyrkie as liue vnder such a goverment and tould them that there were 19 wittnesses sworne against m^r Cane* y^t he being a membar Carried the mattar against the poore woman and other words to this efecte and this is in the movthes of all our malignants it being reported say they by thouse that

* Robert Keayne. The case against him which Cleeve alludes to, and which caused a great commotion in

the Commonwealth, may be found in Winthrop's Journal, Vol. II, pp. 82-86.

that liue amongst them and therefore is vndoubtedlie
trew.

that this is there reports and as they affirme
from Nash m^r Holland Can speak to the lick
purpose and I shall be reddie to affirme vpon
oath who am yo^r humble Sarvant

GEORG CLEEVE

No. XVI.

RICHARD VINES TO JOHN WINTHROP.

RIGHT WORSHIPFULL AND EVER HONORED SIR,—I
haue forborne to write vnto you a long tyme, by reason
of your greate and continuall employments in your State
affayres, but now, hearing your assembly is dissolved, I
make bould to trouble you with my greivances, which
ar allmost insupportable, by reason of Mr. Cleaues his
mallitious practices against our goverment, and my selfe
especially: and he makes your selfe the mayne pillar
that he rest vpon, for he sent a copie of a letter from
you, to our last court, there to be published, which did
contayne some kind of threatnings against vs here, if we
should

should meddle with Mr. Cleiues, but I did conceaue it was written vpon some misinformation. He doth continually rayle vpon me, and brand me with the name of traytor, besides his most false informations to yourselfe and others.

I like wise thinke I had some hard measure in commission that came from the Parliament, for that I did write to you that Mr Hen: Boade, and Mr. Mackworth, (who wer 2 of the Commissioners,) might haue had the Commission to haue examined the most parte of the petitioners against me; it was refused and I never had answere of my letter; but you sent a note vnder your hand to Mr. Mackworth, to examine such as Cleues should bring vnto him, which he refusing to doe without the Commission, then Cleiues giues 2 men ther oaths, that all was true contayned in a paper, there presented ready written, which paper was sent to your selfe, to be retourned to the Parliament, to answeare the Interrogatories that were against me. That Cleiues hath thus proceeded against me, I can proue by Mr. Arthur Mackworth his oath. I conceiue the proceedings against me herein haue not bin legall, neither haue I had that lawfull favour and meanes afforded me, to vindicate my selfe from Cleiues his most vniust accusations against me, to the honorable house of Parliament, which

which may cause the utter ruine of my selfe and family ; ffor I professe I dare not come into the Bay, by reason of your letters before specified ; and alsoe for feare of some mischeife should befall vnto my family in my absence, by Cleiues his meanes, for he hath and doth dayly threaten my downe fall, and that if I come into Boston, I shall ly fast, or goe home without my leggs. Now I know not what misinformation he hath given to your selfe or others there, of our proceeding here, but I can assure you we haue never don him any iniury, more then when our courts were nere, to warne him to appeare. Neither did I ever intend to deale with him, but in a iustifiable way. And as for Mr. Rigbie his right, which he makes his quarrell, we could never see any thing ffor it hetherto ; and to loose Sir Fferdinando Gorges his right, granted by the King's letters Patents, and our owne priueledges, upon Cleiues greate wordes, or vpon the report of an ould broken title (for we heare of nothing but the Plough Patent, which was desarted 13 years past;) for soe doing we might be iustly condemned of infidelity and pusillanimity.

If there come order, either from King or Parliament, for the establishing of Mr. Rigby in that patent, we will submit to it, soe far forth as they doe not intrench vpon the liberties of Saco, (for our Patents wear granted and possesst

possest a yeare before that,* and you knowe that all grants run, except before excepted; if they should, we haue iust cause to complayn, and looke for right. Sir, out of the honorable respect and esteeme I haue of your worth, I haue made my greivances knowne vnto you, being vnwilling to apply my selfe vnto you, being vnwilling to apply my selfe vnto any other, having from the beginning acquainted none but your selfe, here with, which I leaue to your wisdom to consider of, and to pardon such errors as I haue here committed, ffor oppressed mindes ar subject to folly and passion; its my case now, as you may vnderstand by the premises.

You wrote vnto me to retourne vnto you a man that served me, which I intended to haue don by the first, but the fellow had some inkling of it and run away to Mr. Cleiues, who will not suffer him to come back, but hath married him to a young widdow of this place, who run after him, when I had forbid the banes here. There is some moneyes in my handes due for wages, and alsoe some goodes that he had by his wife, which I haue made stay of in our river. Mr. Jenner will certifie you at large hereof.

Thus

* Reference to the map of early grants in the Province will show this to be true. The patents on the Saco antedated the Lygonia patent and could not properly have been invali-

dated by any subsequent conveyance of the Council. Attention is called to this, as remarks in preceding pages relative to the validity of the Lygonia Patent might be misunderstood.

Thus ceasing farder to trouble you at present, with
my best service to you and yours, I rest

Your assured freind and servant

RICH: VINES.

Saco, 4th Aug: 1645.

Indorsed by Gov. Winthrop, "Mr. Vines, 4 (6) 45."

No. XVII.

At a Generall Court holden at Saco in the Province
of Mayne, the 21th day of October, 1645.

Wee whose names are hereunder written, doe testifye
upo our oathes, that wee never gave order to Mr. George
Cleves of Cascoe in the Province of Mayne in New Eng-
land, to prefer any petition or to exhibit any articles in
Parliament against Mr. Richard Vines of New England
aforesaid. Neither did wee either see or knowe of
the said articles or peticon untill the said George Cleaves
did come last out of England; neither can we testify any
such things as are exhibited in the said peticon or de-
clared by his articles against Mr. Richard Vines by the
said Cleaves.

ARTHUR MACKWORTH

HENRY WATTS

The mke. of S. ANDREW AULGER.

WILLIAM HAMANS

JOHN WEST

The mke. of M JOHN WADLOWE

PETER WEAR

JOHN WILKINSON

JOHN SMYTH

I Francis Robinson doe testify upon my oath, that I never gave order to Mr. George Cleaves of Cascoe in the Province of Mayne of New England, to prefer any petition or to exhibitt any articles in Parliament against Mr. Richard Vynes of New England aforesaid; neither did wee either see or know of the said articles or petition untill the said George Cleaves came last out of England. And I doe moreover testify that Mr. Thomas Jenner, minister of God's word told me he asked Mr. Cleaves why he putt men's hands to a peticon that they never saw, & he said his answer was the Parliament bid him doe it.

FRANCIS ROBINSON.

Taken before Henry Jocelin, Richard Bonithon, Edward Smale, Arthur Mackworth and Abraham Preble.

Theise are to certifiye whom it may concerne, that
whereas

whereas there was a comission from the Parliament, bearing date the 28th of April, 1643, directed to John Winthrop, Esq. and others, myselfe being one of the Comision^{rs} for the examining of certayne articles exhibited in Parliament by Mr. George Cleve against Richard Vines, gent. the said Mr. Cleves came to my house about a year since wth certayne examinacons in writing, and required me Arthur Mackworth to give two men their oathes, to sweare to what they had there sett downe, neither showing me the comission or a duplicate thereof, but only a note from Mr. Winthrop w^{ch} seemed to me a kinde of warrant authorizing me or Mr. Henry Boade one other of the said Comissioners to examine witnesses in our pts. w^{ch} I thought to be noe sufficient warrant for me soe to doe, & the rather for that there was in the said noate a race as I conceive (or) put in for (and) & thereupon refused to give them their oathes. Whereupon Mr. Cleves tooke a booke and swore them to that their examinacons against Mr. Vines. This as I remember was about a yeare since. In witness of the truth I have made oath this 29th day of October, 1645.

pme ARTHUR MACKWORTH

This oath taken before Henry Jocelin, Rich. Bonithon, Fran. Robinson, Edward Smale & Abraham Preble.

No. XVIII.

GEORGE CLEEVE AND OTHERS TO THE GOVERNOR, DEPUTY
GOVERNOR, AND ASSISTANTS OF MASSACHUSETTS.

*To the honoured Gouvernour & Deputie Gouvernour &
Court of Assistants in the Massatusets Bay, these
present.*

HONOURED SIRS,—With our most humble service we salute yow in the Lord Jesus Christ. Shewing vnto yow that we are in great distresse by a company of factious men, who haue leagued them selues together to murther vs, together with all the well effected in Mr. Rigbyes Province of Ligonias, vnder pretence of a protest against vs, whoe have severall Commissions from Mr. Rigby for the present goverment of his Province. The heads of this league are Mr. Henry Jocelyn, Mr. Arthur Mackworth, & Ffrancis Robinson, which Mr. Mackworth did willingly submit to Mr. Rigbyes authority formerly, & did subscribe to his Constitucions, & received a Commission from him to be an Assistant, & acted by it till he was drawne away by the perswasion of Mr. Vines & Mr. Jorden, (one vnworthily called a minister of Christ.) From these two men all this evill doth principally flowe, for Mr. Vines be now gone, yet he hath presumed to depute Mr. Jocelyn in his stead, although

although he never had any Commission soe to doe; yet he, by the councell of Mr. Jorden, hath taken vpon him, as a lawful magistrate to come into Cascoe Bay and hath gone from house to house, being accompanied with Ffrancis Robinson & Arthur Mackworth, & have discouraged the people of Ligonias, & drawne them offe, some by fraude & some by force, from their subiection to Mr. Rigbys lawfull authority; contrary to their oathes freely & willingly taken, a true copy whereof is herewith sent. And haue alsoe presumed to take depositions of severall people to accuse some of vs falsely and slanderously with treason & other crimes, whereof we are innocent; intending vpon those grounds to deale with vs at their pleasure, and thus we are all destined by them vnto destruction, if the Lord prevent not their wicked plotts against vs. And this is to be put in execution vpon the last day of March next, vpon which day we haue appoynted to keepe a Court in Cascoe Bay, which Court is already summonsed, & severall actions entred, which are at issue, & some of their party bound ouer for misdemeanor, & seuerall actions against many of them, & therefore cannot be reioined; at which time, they having made a party of neare an hundred (as we are informed) to set vpon vs & violently to resist Mr. Rigbys authority, & soe take vs & our partie & slay vs,

or

or deale with vs at their pleasures. And further, we are truly informed that they intend to make this the beginning of a sivill warre, which they intend to blowe abroad into all parts of this land, and giue it out there may be many amongst yow, & elsewhere, that doe but looke for an oportunity to declare themselues Cavileers, & for the King, as if yow or wee were the Kings enimies and they onely his friends. The Lord God giue yow wisdom to prevent daingers in time, in a right way; and for our parts, we doe most humbly implore your aides & assistance by sending vnto vs against that day some of your men to stand by vs, for the keeping of the peace & for the maintenance of Mr. Rigbyes right, for which we hope he wilbe thankfull, as alsoe we beleewe the Parliament will take it well from yow, who doubtles will maintaine their owne acts, having confirmed his authority to him. We suppose a few of your men would still the rage of our adversaries, but we will not prescribe to yow the number, but leaue it to your better wisdomes. And for the charge which will accrewe, we shall take such course in a leagall way, that all your people shalbe by vs paid in a thankfull manner; for we conceive it fitt that Mr. Rigbyes Pattent & Province should be lyable & ingaiged for our iust defence, although we thinke it meete the charge should be laid vpon

vpon some of the cheefe of the Confederates residing within the said province; but herein we doe most humbly beseech yow to helpe vs with your graue aduise & direction, as alsoe to be further helpfull to vs, by your councill, to carry along all our administracions, according to God, for which we shall ever acknowledge our selues to be your most humble obleiged seruants, willingly endeavouring to follow your councill, & aduise in all things, & alsoe we most humbly beseach yow to be helpfull vnto vs by your prayers to the Throne of Grace, for wisdom and councill from God, to help our weaknes and vnworthiness in so waighty a cause. There be many particulars which we presume not to trouble your Court with, in regard of your more serious employment, which we haue sent to our honoured freind Mr. Winthrop, together with certain deposicions, to illustrate the trueth, we haue humbly intreated him to shew yow. And thus continuing our petition and humble request to yow for aide, for the safeguard of our liues, being the onely way yet visible to vs, vnder God, on whome wee chiefly depend; and in the second place on yow, whom we trust the Lord will make the instruments of our safety, and meete helpes to vs to carry along the worke of reformation amongst vs, to the glory of our God and to the comfort of his poore people
amongst

amongst vs; and this wee leave with yow, commending
yow all to the grace of God and resting your humble
seruants,

WILLIAM RYALL, GEORGE CLEEVE,
RICHARD TUCKER, THOMAS PERCHES.
Casco Bay, this 18th ffebr: 1645.

No. XIX.

[The following draught of an answer to the foregoing
letter in the handwriting of Gov. Winthrop, is written
upon the reverse of the leaf.]

*To our worthy friends Mr. George Cleves, Deputy Presi-
dent of Ligoniam, & his Assistants, at Casco, dd.*

SIR,—We haue received and considered your lettres
by this bearer, Mr. Purchas, together with the Testi-
mony and other writings sent therewith: we received
also lettres and other writings from Mr. Jocelin and
others; by all which we perceiue that the differences be-
tween you are growne to a great height of contention,
which we are very sorrye for, and would not be wantinge
to doe what lyes in vs for composinge the same. But
whereas

whereas the differences grewe vpon extent of some Patents, and right of Jurisdiction, wherein Mr. Rigby and others in E: are interested, and lettres have been sent to them from both partyes, and answer is expected by the first return; therevpon we have thought it expedient to perswade you bothe to forbear any further contention in the meane tyme, and have written to Mr. Jocelin, &c., to that ende, who having desired our advice, we may presume they will observe the same, and will not attempt any acts of hostility against you; and we doubt not but you wilbe perswaded to the same; which we judge will conduce most to Mr. Rigbys right, and your owne and your neighbours peace. As for such iniuries as you suppose to be done you by Allen's wife and others, if you forbear the proceedings against them, till advice come out of E: (the rather to avoyd being a Judge in your owne case,) it will tend muche to peace, and make no preiudice to your right; and so hoping of your redyness to hearken to counsell, and to studye peace by all means, we commende you all to the sure and gracious protection of the Lord, and shall rest

Your loving frinds.

Boston, 5, (1), 1645.

No. XX.

FROM GOVERNOR WINTHROP'S JOURNAL, UNDER DATE*
MAR. 26, 1646.

The contention continuing between Mr. Cleves, deputy president of Ligonía for Mr. Rigby, and Mr. Jocelin and other commissioners of Sir Ferdinando Gorge, they both wrote letters to the governour and council of the Massachusetts, complaining of injuries from each other, and Mr. Cleves desiring aid for his defence against open force threatened by the other part; the governour and magistrates returned answer to them severally, to this effect, to persuade them both to continue in peace, and to forbear all violent courses until some London ships should arrive here, by which it was expected that order would come from the commissioners for the colonies, etc., to settle their differences. These letters prevailed so far with them, as they agreed to refer the cause to the determination of the court of assistants at Boston, which was to be held 3 (4), next. For Mr. Rigby came Mr. Cleves and Mr. Tucker; for the province of Maine came Mr. Jocelin and Mr. Roberts.

The

*The date here given, namely, March 26th, is misleading. Winthrop says that the case was referred by the parties in dispute to be heard the third of the following June, and then

goes on to give an account of the hearing, which shows that a considerable space of time is covered by this entry under a single date.

The court appointed them a day for hearing their cause, and caused a special jury to be empannelled.

No. XXI.

Mr. Cleves was plaintiff, and delivered in a declaration in writing. The defendants (though they had a copy thereof before) pleaded to it by word only. Some of the magistrates advised not to intermeddle in it, seeing it was not within our jurisdiction, and that the agents had no commission to bind the interest of the gentlemen in England. Others (and the most) thought fit to give them a trial, both for that it was a usual practice in Europe for two states being at odds to make a third judge between them, and though the principal parties could not be bound by any sentence of this court, (for having no jurisdiction, we had no coercion, and therefore whatever we should conclude was but advice) yet it might settle peace for the present, etc. Upon a full hearing, both parties failed in their proof. The plaintiff could not prove the place in question to be within his patent, nor could derive a good title of the patent itself to Mr. Rigby, (there being six or eight patentees, and

and the assignment only from two of them). Also the defendant had no patent of the province, but only a copy thereof attested by witnesses, which was not pleadable in law. Which so perplexed the jury, as they could find for neither, but gave in a non liquet. And because the parties would have it tried by a jury, the magistrates forbore to deal any further in it. Only they persuaded the parties to live in peace, etc., till the matter might be determined by authority out of England.

No. XXII.

THOMAS JENNER TO JOHN WINTHROP.

*To the right Worshipfull his very worthy friend Jo:
Wintrop Esqr. & Deputy Gouvernour of N. E. at his
howse in Boston, give theise.*

RIGHT WORSHIPFULL,—My due respects remembred to you. This is to informe you (according to request made vnto me, both by Mr. Jocelyne and Mr. Cleeve) that in Cascoe Bay, on the last of March, the major part of the Province of Lygonia meet together, at an intended Court of Mr. Cleeve. Mr. Jocelyne and his company
came

came armed with gunes and swords, or both: Mr. Cleeve and his company vnarmed. After sermon was ended, Mr. Joselyne and his company separated themselues about a furlong from Mr. Cleeve and his company. The sent vnto Mr. Cleeve a demand in writing (with all their hands subscribed,) to haue a sight of his originals promising a safe returne. After some hesitation and demur, Mr. Cleeve, vpon condition they would come together into one place, promised to gratifie them. The which being publikey read and scanned, the next morneing Mr. Jocelyne and his company deliuered vnto Mr. Cleeve in writinge, with all their hands subscribed, a Protest against Mr. Righbies authority of gouernment, that is to say, in any part of that bound or tract of land which Mr. Cleeve doth challeng by vertue of his Patent, viz. from Sacadehock River to Cape Porpus. They furthermore required and injoined Mr. Cleeve and his company to submit themselues vnto the authority & gouernment derived from Sir Fferdinando Gorges, and that for the future the addresse themselves vnto their Courts.

Lastly, they demanded of Mr. Cleeve a friendly triall concerning the bounds afore sayd, ffor Mr. Jocelyne would that Mr. Cleeve his *terminus a quo* should begin 60 miles vp Chenebeck River, because the Patent saith, it must lie nere two Ilands which are about 60 miles from

from the sea. Ffor answer to it the Patent also saith, the tract of land of 40 miles square, must lie on the south side of Sackadehock-River.

Now Sackadehock riuer reacheth but to Merry Meeting and then its branched into Begipscot, and Chenebeck, and is no further cald by the name of Sacadehock. Now Sacadehock River is a certaine and sure place for one terme of its bounds, but the Ilands are doubtfull, which they are, or wher they are: and more ouer ther possession was first taken. Mr. Cleeue in his answere readily accepted their offer of a triall at Boston; wherevpon they both bound themselues each to other in a bond of 500 li. personally to appeare at Boston the next Court after May, then and ther to impleade each other.

They also jointly sent their letters to your selues (the Magistrats of Massach :) to craue your timely advertisement at what time the next Court after May next will happen to be; as also your approbation and entertainment of the suit; the which if it be by your Court admitted to a triall (as I se not why they should refuse it, seing both partis are so agreed) it may occasion a happy end of a dangerous contention.

Furthermore, Mr. Cleeue demanded a sight of their originals for gouernment; none being produced, he disclaimed obedience, and told them ther was no equality
betweene

betweene his something and their nothing. It was also agreed, that none of each company or party should, at any time or vpon any occasion, be troubled or molested by any of the other party or company, vntill the suit aforesayd be ended.

Mr. Cleeue layd his injunction in particular on Mr. Jordane, neuer more to administer the seales of the Covenant promiscuously, & without due order & ordination, within the province of Lygonia.

I must needs acknowledge, to their high commendation that both Mr. Jocelyne & Mr. Cleeve carried on the interaction very friendly, like men of wiſdom and prudence, not giving one misbeholding word each together; such was the power of Gods Holy Word, aweing their hearts. Your letters were also very valide, & gratefully accepted on both parties. Thus after two or three daies agitation, each man departed very peaceably to his owne home.

Thus, right worthy Sir, according to the trust committed to me, I have faithfully (though rudly) composed the chiefe matters in that their transaction, & haue here sent them vnto you. So I commit you to God &, rest

Yours to comand,

THO: JENNER.

I humbly craue your prayers, for I am as it were on the wing of removall, but whither as yet I know not. The Lord direct me. I can not by any meanes abide here any longer. Amongst many other reasons, one is the falling out betweene me & Mr. Robison, vnknowne to my selfe, had secretly gained the affection of my eldest daughter, which being discovered very lately, hath wrought in my mind not a little disquietnesse, ffor I aproue not of the man, in that kind. I humbly craue your prayers.

Sir, I haue lately ben earnestly solicited by one Mrs. Tucker, an intimate friend of mine, and an approved godly woman, that I would writ vnto your worship; that in case Mr. Cleaue & her husband (Mr. Tucker) shall happen shortly to haue recourse to your selfe, to end some matters of difference between them, now at their departure each from other, that you would be pleased, as much as in you lye, not to suffer Mr. Cleaue to wrong her husband, for though her husband hath ben as it were a servant hitherto for Mr. Cleaue, yet now, at their making vp of accounts, Mr. Cleaue by his subtile head, brings in Mr. Tucker 100 li. debter to him.

Sir ther is also a child of one Mrs. Allin of Casco, with one Goodman Dexter of Lyn, which was placed by Mr. Tucker & Mr. Cleaues. The mother hath no more
child[ren]

child[ren] but that boy, & hearing of her child's condition how bad i[t is] hath ben much troubled, it hath caused much dissention betwee[n] herselfe, & Mr. Cleaue, & Mr. Tucker, and the truth is, the boy is used very hardly. I saw the youth at Dexters owne house, most miserable in clothinge, neuer did I se any worse in New England. I humbly intreat your worship to lay to heart the condition, both of the mother & the child, least it be some disparagement to our selues euen in London, from whence they came, & were well known. The youth was not so firmly bound, but your worships (as I conceiue) may easily vnloose him.

Indorsed by Gov. Winthrop, "Mr. Jenner, Rec. 30 (2) 46."

No. XXIII.

GEORGE CLEEVE TO THE COMMISSIONERS FOR LYGONIA.

To the honored John Wintrop, Esq. Governor, & to the honored Thomas Dvdlie, Richard Bellingham, Herbert Pellam & others, Esquiers, Commissioners appointed by the High Court of Parliament for the affairs of Ligonias, thes present.

HONERED WORTHIS,—Aftar the tendar of my humble service, thes are to request your pious advice & derex-
tion

tion what is to be don in thes particulars: [Here follows an account of what Cleeve suspects to be the murder of an infant by its mother, and he continues.] Now here vpon I haue imprisoned heare, & haue taken baile of 200 li. for her apparance at our next Court of trialls, being fowrth of July next, & the assistance do mak sum dowpts whether we may prosede against malefactors preseding our laws now made; which dowpts they vrge to be moved in theme partly by a directory lettar from our honered President, who would haue vs to loock forward & not backward; & partly by a Constitution, which requireth from the people obedience to no lawes, but such as should be acted by there villagars; & partly by an othar Constitution which giueth allowance to the people to make binding lawes for the subscribars, & no othars, vntill a publick bodie of lawes shovld be acted by the Generall Assembly of villigars to be chosen; which severall occations, if you vouchsafe to clere vp for there bettar apprehention, they & my selfe will willingly & gratefully apply vnto your suche advice; & for mine owne particcular, I conceaue we ought not to suffere sines of that nature to go vnpunished, being proved since Mr. Rigbies athority was manifested & subscribed vnto by divars, where of the husband of this woman was one. Ther are allso som advlterys committed & yet vnpunished,

punished, whereof that of Mr. Boden with Mr. Jocelens neagar, who hath confessed the fact; as allso that of Mr. Michell Mitton & John Seares, committed with Mary Martin, whereof you haue had from me and othars som knowledge; and now seing you haue with you a coppie of our confirmed Constitutions, and are bettar able to judge of them then my selfe, or any of vs, and seing you are appointed to be Commissioners, by the High Court of Parliament, for our aide, I hovld that my duty, to apply to you for your grave counsell and derection wherein my selfe or our Assistance are defectiue. My humble desire therefore is that you would derect vs by your wisdom and counsell to acte and prosede in a way of justice, according to God, and allso justifieable before men; and to favor me so much as to dispatch your derections herein before our Court, for which favors I shall allwais be a petitioner to the throne of grace for you all and rest

Your oblidged sarvant to command to my powre,

GEORGE CLEEVE.

Casco, the (1) (3) 1647.

Indorsed by Gov. Winthrop, "Lettre [torn] Mr. Cleues, 1 (3) 47.

Recd 27 (3) 47."

GEORGE CLEEVE TO MICHAEL MITTON.

[From the following document it appears that Cleeve conveyed his property to his son-in-law before his last voyage to England. It remained unrecorded for sixty-seven years.]

These Presents shall witness, that I George Cleeve of Casco in New England Gentleman Do hereby freely & fully give unto my Son in Law, Michael Mitton of Casco aforesaid all my Right & Interest in that tract of Land Lying in Casco Bay Granted unto me by Coll Alexander Rigby Esq and now in the Possession of me the said George Cleavs and Others of my Tennants to be from henceforth the only and Proper Lands of him the said Michael Mitton and his heirs for ever according to the tenar Expressed in the said Grant to me from the said Alexander Rigby. Together with all the houses and buildings to me belonging in and upon the said tract of Land. Also I Do hereby fully & freely Give unto the said Michael Mitton all my utensials of household Stuff in and about the house and Buildings. As well within Door as without. Together withall my Cattle as well Cows and Calves and Steers and Swine young and old as also all other Cattle or goods of any part or kind whatsoever for and in Consideration of a sum of Money
to

to me in hand paid before the Sealing and Delivery here of. As also for and in Consideration that he the said Michael Mitton shall at all time and times hereafter maintain and Provide for me the said George Cleavs and for Joan my now wife good and sufficient meat and Drink apparel and Lodging and Physicke and all other Nessarys for the Relief of this frail Life for both of us and for the longest Liver of both of us as well as for other Considerations me hereunto moving as well the marrage of my Daughter as otherwise all which hath moved me to make this firm Deed of Gift unto my said son in Law Michael Mitton written with my own hand & sealed with my seal and Livery and seizen given of the full and Peaceable possession of the said Lands and Possession of the said Cattle and goods by Delivering into his hands in Part of all the Rest one Bay Gelding and a Ring of Gold in Lieu and part of all the Rest of the Cattle and goods therein Specified

GEORGE CLEAVES &a [Seal]

Dated this 24th Day of February 1650.

Witness

THOS HARKINE

ELIZA: MITTON

ANNA MITTON

WM. TILLY

Recorded according to the Original Nov^r 7th 1717.

p Jas: HAMOND *Reg^r*.

Vera Copia as of Record examined by Jas: Moody,
Reg^r. Lib. 8. Folio 245

Be it known to all men by these presents that I Robert Jordan do freely acquit and Discharge M^r John Phillips from all demand or demands in what respect or respects whatsoever from the beginning of the world to this present 28th day of July 1658. In witness I have Subscribed my name on reservation ye s^d M^r Phillips doth and shall acquit deliver and possess y^e s^d Jordan to and in y^e proper and singular Interest he hath or ought to have or may be Suposed to have to all his rights in Land Cattle or Chattels whatsoever. further I do Ingage hereby to discharge and acquitt ye s^d M^r John Phillips from all demands may be made by Rob^t Hethersay in point of Covenant in respect to a Saw mill to be Errected at Casco river falls. this is mutually subscribed unto by us

ROBERT JORDAN

JOHN PHILLIPS I. P.

Witness.

Signed.

JAMES PARKER

GEORGE LEWIS X Signed

FRANCIS SMALL.

Vera Copia. Transcribed out of y^e original & compared

pr EDW: RISHWORTH: *Record.*

Recorded according y^e Coppy as above Nov^r 7, 1717.

JAS: HAMOND, *Reg^r.*

Y. C. R, 8. 244 *et seq.*

NO. XXIV.

EDWARD RIGBY'S LETTER TO THE INHABITANTS OF
LACONIA.

To Mr. Henry Jocleing, Mr. Robert Jordan, Mr. Arthur Macworth, Mr. Thomas Williams, as also to Robert Booth Morgan Howell John Wadleigh Jonas Balley Thomas Morris Hugh Moscer and to all others whom these may concern these present in Legonia.

Gentlemen,

It having pleased the great disposer of all Things to call out of this troublesome World my dear Father and by that means to entitle me to the Presidentship of the Province of Lygonia and being made acquainted by my
Fathers

Fathers late Deputy President of several miscarriages and illegal Proceedings which have been acted and done within my Province by your Instigations and Advice I have thought necessary at this Time to acquaint you that I disrelish your actions, and shall not sit down with the Wrongs and abuses offered to our Authority without a particular and real Submission and to that End I do require and comand both your selves and the rest that were by commission from my Father, the publick Officers of the Province to desist acting any Thing Virtute officii (yours and your Commissioners being determined by my Father's Death) until you hear further from me which I assure you shall be with all possible Speed. Truly Gentlemen I am sorry to hear notwithstanding my Father's Indulgence towards most of your selves in Particular you should still act so directly against him and his Interest as you do But I once again assure you, if upon the Receipt of this you do not desist from your private and secret Combinations and practices and join unanimously with me, my Deputy and other Officers, for the Peace and Quiet of the Province I shall take such Course as shall not only force a submission but also a Reparation for all your misdeeds. I shall not at present numerate or particular your misdeeds and illegal Proceedings, nor dispute with you
about

about them only observe this to you that I conceive all acts done either by the Deputy President the 6 assistants the Judges or any Other Officers whatsoever which had Comision from my Father, since my Father's Death (which was in August 1650) are void by Reason their Comision ended with his Death. I am not ignorant of some complaints formerly made to my Father by some of your selves and others and I desire that you will be confident, that I shall strive to do aequal Justice in all Things according to my Office and Duty and to the End that aequal Justice may be done to all men I shall with all convenient Speed not only send back Mr. Cleeve but a near Kinsman of my owne with Instructions and Comissions to such as I shall conceive fitting, not doubting that upon the Receipt hereof you will desist from your former illegal Proceedings, and joyn with such as I shall comissionate. The Rest is the Respects of him that is your real Friend if your selves be not your owne Enemeys.

EDWARD RIGBY.

London 19 July 1652.

about them only observe this to you that I conceive all acts done either by the Deputy President the Assistant and the Judges or any Other Officers whatsoever which had Commission from my Father, since my Father's Death (which was in August 1650) are void by Reason their Commission ended with his Death. I am not ignorant of some complaints formerly made to my Father by some of your selves and others and I hope that you will be content that I shall strive to do my best in all Things according to my Father and I will find that your justice may be done to all and I shall with all convenient speed not only send back Mr. I have but a great Number of my own with Instructions and Commissions to such as I shall come into the Country and upon the Receipt thereof you shall receive your former Warrant for the taking and giving such as I shall commission to. The best is the Request of him that is your real Friend if your selves be not your own Enemies.

EDWARD RIGBY.

London 12 July 1651.

No. XXV.

Mr Cleue accord to your desire wee tender this account of our pceedings at Wells Cape Porpoise Saco &c. In the yeare 1652 wee ordered some members of this Court wth two Artists to make a true discouery of the most Northerly branch of merrimacke that accordingly we might lay out the Northerly line of our Patent w^{ch} is to extend 3 miles beyound the most Northerly pte of Merrimack riuier; which Line is to run throw the maine land of America from East to West in the Latitude of $43^{\circ} 43' \frac{1}{2}$. And in further psecution of the same Wee did in July last dispatch our Comissioners to Wells, Cape Porpoise, and Saco, to challenge our right by patent ouer those parts, where the Inhabitants did voluntarily acknowledg themselues subject to this Goverment, and tooke the oath of fidellity & freemen to the same,

Our Comissioners publishing a ptestation at Wells agst any person or psons that should challeng Jurisdiction or exercise any act of Authority ouer them, or ouer any other psons inhabiting wth in the Limitts of our patent (w^{ch} doth extend to the latitude of $43^{\circ} 43' \frac{1}{2}$ of northerly latitude) but what shall be deriued from the Gen^l Court of the Massatusetts. All which acts of our Comissioners wee haue ratified and Confirmed and shall

shall endeavour by all lawfull means to maintaine & defend our just right [and title] in those parts granted unto us in our patent.

Bost Sept: 5. 1653

The magis^{ts} haue past this wth Reference to the consent of theire bretheren the depu^{ts} heereto Edward Rawson Secrety The Deputyes Consent wth or honord magists herein. William Torrey Cleric

No. XXVI.

GRANT FROM EDWARD RIGBY TO GEORGE CLEEVE OF 1000
ACRES OF LAND ADJOINING FORMER GRANT,
FEB. 20, A. D. 1652.

This Indenture made the twentieth day of February in the yeare of our Lord god one thousand six hundred Fivety & two, betweene Edward Rigby Esq^r. president of the province of Lygonia in New England in America of the one party & George Cleeue of Casco in the sd province on the other party. Witnesseth that the sd
Edw.

Edw. Rigby, for and in Consideration of the yearly rent and services in these Psents reserved, and of a Competent some of money in hand payd at the seiling and delivery hereof and alsoe for diverse other good Causes, and considerations him the sd Edward Rigby, hereunto Rigby } espetially mouing, hath given granted, and
to } Confirmed and by these Psents do giue,
Cleave } grant, and Confirme, unto the sd George Cleeue his heyres and assignes forever, all that part prcell and portion of Land lying and being neare vnto Casco-bay aforesd, Contaynig one thousand acres of Land, after the measure of eight scoore perches to euery acre, and a square of sixteen foote, and a halfe to euery pearch, adjoyning to the Land^s formally granted vnto him, the sd Geo: Cleeue, and his heyres; And begin'ng at the little ffalls in Casco River, and runing westwardly three hundred and Twenty pooles and ffive hundred pooles southwardly, togeather with all and all manner of wood^s underwood^s Tymber, and wood now growing, standing and being, or w^{ch} shall or may here after stand, grow, or be in or vpon the sd premises, with there and euery of their appurtenances, with free lyberty to fish, and fowle in and vpon the sd River, soe fare as the sd Land^s before mentioned to be Demised do extend along the side thereof and the fish and fowle y^r by taken, to haue covert and
dispose

dispose there of, to his or y^r owne use, at his or there owne will and pleasuer To haue and to hould all and singular the sd Land^s and premise^s before by these p^rsents mentioned, to be given granted, demised, and Confirmed with the appurtenances vnto the sd George Cleeue his heyres and assignes for euer to hould of the sd Edward Rigby, and his heyres in free and Common Scottage, doing there for ff^ealty vnto the sd Edward Rigby, his heyres, and assignes, And yeilding and paying therefore vnto the Comon weale of England, one ffifth part of all the gould, and silver oare to be had and found vpon y^e sd p^remises or any part or pcell y^r of: And alsoe yeilding and pay'ng vnto the sd Edward Rigby his heyres, and assignes, for the sd one thousand Acres, the yearly rent of Twenty shillings of Lawfull money. In and vpon the first day of Aprill, and the first day of Octob^r: yearly, by even and equall portions, for all services and demand^s, & yeilding, & pay'ng yearly to the Counsell established at Plymouth, In the County of Deaon for the planting, ruling, ordering and gouering of New England aforesd and y^r successors for euer, one pecke of the best bread Corne Accompt'ng two Gallonss after winchester measure, for euery pecke, for euery hundred acres of the sd Land^s, soe as aforesd letten to farme, yet notwithstanding the p^remises, the sd Edward Rigby

Rigby doth for him selfe, his heyres, & assignes Covenant^t & agree, with the sd George Cleue and his assignes, that the sd Edward Rigby his heyres, & assignes shall yearly from tyme to tyme, upon the payment of the sd yearly rents vnto him, or them, repay vnto the sd George Cleue his heyres or assignes the severall sums of Two shillings y^rof, for every severall hundred Acres of the sd Land, soe as aforesd granted as shall not then before that tyme haue beene used, or occupied, for arrable land, pasture, or Meddow by the sd Geo : Cleue, or his assignes by his or y^r substitutes or by some other p^rson or p^rsons, by his or y^r consent conniuan^{ce} or allowance : And the sd Edward Rigby doth here by make, ordajne, Constitute, & in his place putt Michael Mitton of Casco afore sd Gentleⁿ & Robert Brecke of Boston in New England Gentleⁿ his true & lawfull Attorney^s Joyntly & seuerally to take possession for him, & in his name in the sd Land, & premises before by these psents mentioned to be granted, & after such possession taken & had, then for him & in his name to deliuer full peaceable possession, & seazin, vnto the sayd George Cleue or to his Certajne Attorney in his behalfe, according to the south tenour, forme & effect of this p^rsent Indenture, y^rof made ; And what ths sd Attorney or either of them shall doe in the premises, the sd Edward Rigby doth ratify & confirme

firmē the same, In witnesse w^r of the sd partys to these p^rsēt Indentures Interchangeably haue sett two y^r hand^s & seales, the day & yeare aboue written 1652:

EDW: RIGBY

Sealed figurd & deliued in the

psence of vs

ROBERT BRECKE I

JOⁿ SPENSER I

ROBERT^t TOMPSON I

Possession & seizin taken, by me Michael Mitton, according to the order within specifyd, in part of the Land granted & deliuered unto Richard Tucker for the vsse & by appoyntment, of Mr. George Cleeve by me, Michael Mitton, In psence of Ann Mitton her marke 1 A

The Copsy of this Indenture afore going duely examined, and transcribed out of the originall this Third of Septemb^r 1658:

p EDW: RISHWORTH *Re: Cor:*

These presents shall witnesse that I George Cleeue Gentleⁿ haue sould assigned, & sett ouer, this p^rsēt Indenture vnto Richard Tucker, togeather with all the Land^s & priuiledges with in mentioned to be from henceforth the proper good^s & land^s of him the sd Richard Tucker

Tucker & his heyres and assignes forever for and in Consideration of the some of Thyrtty pound^s starling to me in hand payd, and to be payd according to a covenant between vs and for other good Causes me there vnto mouing for all demand^s.

Witnesse my hand this 18th day of July, 1658:

Cleaue To } by me GEORGE CLEEUE I
Tucker }

In the p^{re}sence of,

MICHAELL MITTON

GEORGE LEWIS by

his marke I

This Coppy duly examined and taken out of y^e originall this 4th of Sep^{br} 58

p EDW: RISHWORTH *Re: Cor:*

These psents witnesseth that I have taken and delivered possession and seazin to Richard Tucker of the within mentioned premises this 21th of July 1658:

by me GEORGE CLEEUE I

In the psence of GEO:

LEWIS by his marke I

MICHAELL MITTON I

Taken out of y^e originall and examined

p EDW: RISHWORTH *Re: Cor:* 4 Sep^{br} 58:

No. XXVII.

ANSWER OF MASSACHUSETTS TO GEORGE CLEEVE RESPECTING HER NORTHERN BOUNDARY.

In answer to the ppositions p'sented to this Court by Mr George Cleeues, employed by seu'all inhabitants of the northerne pts of o^r patent, Ptended by them to be the province of Lygonia, the Court, havinge considered and comparde the patents Pduced by Mr Cleeues wth o^r owne, doe find ours to haue the Pcedency, and so consequently the land in dispute to be o^r proper right by patent, lying and being scitua within 3 miles to the northward of the most northerly pt of Merimack Riuer; the bounds graunted vs by patent, as may appeare by the originall, a copie whereof we haue deliuered, according to the desires of the sd inhabitants, to Mr Cleeues together with the testimonyes of the survayer^s of the most northerly pt of Merimacke, and also of those y^t observed the palell latitude vpon the sea coast, in or neere vnto the Bay of Casco, the search whereof though deffered for some yeares, cannot Pjudice o^r right when knowne, nor strengthen the title [of] others, becau'e we did not pticular challenge the vtmost of o^r bounds, which we could not in modestie doe till we had therof some assurance, though o^r generall clayme hath bin constantly
from

from the first to three miles northward of the most northerly pt of the said riuer, in length and longitude, through the mayne land, from the easterne sea to the sea on the west; and therfor all graunts, orders, or combinations, to, concerning, or of any psons wth in the sd lymitts, are invallid, null, and of no force or obligation vpon y^e conscience of any; nor is there any feare of imputation vpon y^t account. How fayrely we haue demeaned o^r selves to all o^r neighbours, in all o^r references and concernments, we leaue to them to testifie as they see cause; how, since we haue knowne o^r lymitts, we haue ffrienly declared o^r right to y^e inhabitants of those pts, hath bin to their content and approbation: neither threatening euer objected to vs till now, too soone, because to vnjustly, vppon those y^t are innocent: we haue and doe modestly demaund o^r right, and cannot accept of a denyall from those y^t ought to yeeld it, nor consent to any forbearance thereof, becau'e we haue no doubt therein, and find that thereby we doe but furnish others to object agaynst vs. We haue not endeoured to infringe the liberties of the planters of those lands, but haue offered them the same wth o^rselues; nor to nourish or ease orselues by taxing of their estates, to ease orselues; we expect no more then what they formerly did, vizt, bear their own charges; nor doe we seeke to put vpon them
them

them y^t which we o^rselues would count vnequall, viz^t, to subject to such lawes and constitutions, made by others wthout their consent, it being the portion of most of o^r Psent inhabitants, as of the subjects of most countryes, to be in no other capacitie; the constitutions of gouernment and now modell of lawes not being made in euery age of men, or vpon the ariuall of new comers to a colonye: if, therefore, the sd inhabitants shall endeavour to Pvent vs in o^r just rights we must p^fess agaynst their pceedings as vnjust, and shall advise o^rselues to take such course as shall evidence o^r desires to aquite o^rselues honestly before God and men.

No. XXVIII.

LETTER TO MR. JOCELYN AND MR. JOURDAN.

15 MAY, 1657.

Gent^m:

Wee suppose you are not ignorant of y^e clajme made by our commissioners att Wells, anno Doni 1653, to the government of those parts, and theire protestacon, then published by the marshall, against any that should challenge or exercise authoritje ouer any persons inhabiting wthin

wt^hin the l^jmitss of our pattent beyond Saco but what shall be derived from this Generall Court, which, though they were not then exactly knowne, yett in the yeare ffolowing were bounded by artists employed by vs, and are yet vnknowne to yourselves, since which wee haue imployed comissioners to settle those parts and to finish what was not donne by our former comissioners at Wells; but that buisness proceeded not according to our expectation although yo^rselves were desired to meete our comissioners at Yorke. We haue heard diverse complaints for want of government, and haue binn informed of some endeavo^{rs} to disturbe the quiett of y^e people at Saco and Wells, which we haue winked at, expecting a ready compliance of all persons inhabiting our limitts, especially since our answer to y^e expostulacons and demaunds made to us by the inhabitants there presented to vs by M^r. Cleve; but finding ourselves deceived in our expectation, wee haue againe given comission to some gentlemen, whom wee desire and expect yow will meete at the next County Court at Yorke, and contribute yo^r assistance for the settling of those parts beyond Saco to the vtmost bounds of our pattent; and yo^r concurrence herein will, we doubt not, much conduce to the good of those parts, which is a principle scope and desire of the Gen^l Court of the Massachusetts.

No. XXIX.

COURTS DECLARATION & PROTESTATION IN REFERE TO Y^E
EASTERN P^TS OCTOBER 23, 57.

Whereas this Court hath formerly declared their right of jurisdiction ouer the inhabitants of Blacke Pointe, Blew Point and Casco Bay, to the lattitude of forty three degrees forty three northerly latitude, and haue hitherto made very amicable applications to the inhabitants there, and this last somer did send comission^{rs} to Yorke, expecting the principall persons dwelling in those parts would, vpon our letters formerly to them directed, haue attended our comissioners for the issuing of the buisnes, but the sajd partjes fayling, the sajd comissioners did, by warrant vnder their hands, (whereof the partjes had notice) sumon the inhabitants of the parts aforesajd to apeare at the Gerall Court at Boston, October 14th, 1657, where and when the partjes aforesjd, being called, appeared not, but made default, and insteede thereof, at the latter end of the Court, a paper, subscribed by George Cleve, was presented to this Court, (wherein he declares against the legalitje of, our proceedings and the resolution of the inhabitants there, as he Ptendeth,) to deny submission vnto vs, wee doe hereby declare our right & clajme to those parts,

parts, & the injurious refusall of the inhabitants there, concerning which wee shall seriously advise what for the future may be most expedjent for vs, yet for the present judge it best to surcease any further prosecution, wth this protestation, that if any mischiefe or inconvenience happen, by reason of their oune differences, or for want of a setled government there, that wee are innocent, (having vsed, in our vnderstanding, all requisite endeavors,) and that all the blame & danger must & ought to be imputed to the sajd inhabitants.

No. XXX.

GEO. CLEEVES CHOSEN, AT A COURT HOULDEN AT YORKE
JULY 12, 1658, AS ONE OF THE COMMISSIO^{RS} FOR
FALMOUTH FOR YE YEARE INSEWING.

July 13, 1658

Wee the Inhabitants of Blacke poynt, Blew poynt, Spurwink and Cascoe Bay, with all the ylands y^r unto belonging, do owne & acknowledge ourselves to bee subject to the Goverment of the Massachusetts Bay, In New England, as appears by o^r severall subscriptions. In reference to those severall articles formerly granted unto

unto Dover, Kittery, & Yorke. Which are now granted & confirmed unto us together with some additions as appeareth upon Re: Cord.

Henery Jocleyn	Samell Oakeman his marke
George Cleeve	G
Fran: Smale	Andrew Browne his marke
Nicho: Whitte his marke	}
N	Michaell Madaver his marke
Tho: Stamford his marke)=
O	Tho: Hamott his marke X
Robert Corbine	John Tynny
Natha ^{ll} Wallis	Geo. Taylor his marke Y
John Wallis	Ric: Foxwell
Arthur Anger Juno ^r his	Hene: Watts
marke X	Fran: Neale
Ambrose Booden	Abra: Follen
Nicho: Edgcum his	Ambrose Boden Senior
marke O	Michell Mitton
Robert Jordan	Ric: Martine his marke †
John Bonighton	Geo: Lewis his marke H
	John Phillips his mark I P

The p^rsons which have subscribed unto this wrighting as above mentioned, have further by oath Ingaged them selves to the authority of the Massachusetts, at the Date hereof, being the 13th of July 1658.

No. XXXI.

The retourne of the comissioners of the Generall Court of the Massachusetts, being authorized and appointed to settle civill gouernment in the easterne parts, to the vtmost extent of theire ljne, as appears by a comission granted them bearing date the 20th of May, 1658.

In reference wherevnto the comissioners aforesajd, &c. whose names are here subscribed, according to order and trust therein to them comitted, did repaire vnto the easterne parts, and at Yorke did adjourne the Court vnto the house of M^r Robert Jordan, at Spurwincke, sending out sumons to all inhabitants residing wthin the ljne proposed, there to appeare personally before them, which by the major part thereof was attended, and after some serious debate of matters betwixt vs, removall of some doubts, & our tendering of some acts of favor & priviledg to them, the good hand of God aiding therein, by a joint consent wee mutually accorded, in a free & comfortable close, as doth more fully appeare by these ffollowing acts:—

Wee the inhabitants of Black Point, Blew Point, Spurwincke, & Casco Bay, with all the islands therevnto belonging, doe owne & acknowledg ourselves to be subject

to

to the gouernment of the Massachusetts Bay in New England as appeareth by our particular subscriptions, in reference to those formerly graunted vnto Douer, Kittery, & Yorke, which are now graunted vnto vs, together wth some additions, as vpon record doth appeare.

FRANCIS SMALE,

NICHO: WHITE, W, m^rke,

THO: STAMFORD, C, his mark,

JONAS BAYLY, I, his m^rk,

ROBERT CORBYN,

NATHANIELL WALLIS

ARTHUR AUGUR: , Jun, hi^s m^rk, v

JOHN PHILLIPS, his m^rk, I P,

m^rke

RICH: A. MARTYN,

m^rk

GEORG \exists LEUIS

AMBROSE BODEN,

m^rk

SAMUELL OAKEMAN, G

ANDREW BEAMES, m^rk, ϵ ,

MICH: MADJUER, m^rk,)=,

THO: HAMOT, m^rke, *,

GEORGE TAYLR, m^rke, \times +,

HENRY JOCELYN,

GEORG CLEAUE,

ROBT: JORDAN,
 JNO BONIGHTON,
 RICHARD FOXWELL,
 HENRY WATTS,
 FRAUNC: NEALE,
 ABRA: FELLOW,
 AMBROS BODEN, Sen,
 MICH: MITTEN,
 m^rke
 JN^o. ‡ TINNEY,
 m^rke
 NICO: C EDGCOMB.

Euery of the persons as aboue mentioned, which haue subscribed to this writting, haue further, by oath taken in Court, engaged themselves to this authority of the Massachusetts, at the date heereof July 13th, 1658.

Whereas the tounes of Black Point, Blew Point, Spurwincke, and Casco Bay haue acknowledged themselves subject to the gouernment of the Massachusetts, as by the seuerall subscriptions vnder their hands doth appeare, wee, the comissioners of the Generall Court of the Massachusetts, doe actually graunt as followeth:—

1. In case, by an imediate power from the supremacy of England, wee are comanded, & after adress to the same

same supremacy by the Massachusetts authority, it be desired, as proper to any other regulations then ours, this obligation to be nulled, wee protecting them till the determination thereof.

2. That an act of indempnity or obliuion is ffreely graunted them.

3. That all such acts & priuiledges as haue binn graunted to Douer, Strawberry Banke, Kittery, Yorke, Wells, & Saco, are graunted vnto them.

4. That in cases of appeale to Boston, the appellant shall haue ordinary costs, but shall put in sufficyent security (not recouring) to make good treble costs to the defendant.

5. That they shall haue true transcripts of such priuiledges as haue bin graunted to the forementioned townes sent vnto them to be recorded wth all convenience.

6. That the civill priuiledges now graunted them wee doe not intend shall be forfeited vpon differences in matters of religion, but theire regulations therein must be according to pœnal lawes.

7. That those places that were formerly called Blacke Poynt, Blew Point, & [Strat]tons Islands, thereto adjacent, shall henceforth be called by y^e name of Scarborow, the bounds of which toune on the westerne side begineth where the toune of Saco endeth, & so doth runne along

on

on the western side of the Riuer of Spurwincke, eight miles back into the country.

8. That those places formerly called Spurwincke & Casco Bay from the harbor side of Spurwincke Riuer to the Clapboard Islands, in Casco Bay, shall runne back eight miles into the country, and henceforth shall be called by the name of Falmouth.

9. That the townes of Scarborow & Falmouth shall haue comissioners Courts to try causes as high as fifty pounds.

10. That those two townes of Scarborough & Falmouth shall, by a survey, take an effectuall course to bound themselves betwixt this time & the next Court holden for this county, wherevnto they are to make theire retourne, or vpon theire neglect thereof the County Court shall appoint comissioners for the bounding of them.

11. That those two townes of Scarborough & Falmouth are to send one deputy yearely to the Court of Election, & haue liberty for two deputjes if they see cause, in Court. Given vnder our hand, July the 14, 1658.

SAMUEL SYMONDS,

THO: WIGGIN,

NICHO: SHAPLEIGH,

EDW: RISHWORTH.

No. XXXII.

APPOINTMENT OF COMMISSIONERS BY MASSACHUSETTS.

Whereas the county of Yorkshire is large & very remote from Boston, the place where the Generall Courts & councill of this comonwealth of the Massachusetts doe vsually assemble, whereby it is more difficult to obtayne the presence and helpe of any of the asistants of the gouernment, as occasion from tyme to tyme doth require, wee, therefore, the comissioners of the Generall Court, considering the necessitje of a constant supply till the Generall [Court] take further order therein, do graunt & order as followeth :

1. That with the consent of the inhabitants of the aforesajd townes of Scarborow and Falmouth, we doe Falmouth & } constitute & appointe the right trusty
Scarborough. } Henry Jocelyn, Esq, Mr Robert Jordan
Mr George Cleaue, Mr Henry Watts, & Mr Frauncis
Neale comissioners for the yeare ensuing, invested wth
full power, or any three of them, for the trjall of all caw-
ses (w^{thout} a jury) wthin the libertjes of Scarborough &
Falmouth not exceeding the value of fifty pounds, &
euery one of the sajd comissioners haue graunted them
magistraticall power to heare and determine smale causes
as other magistrates and assistants haue, whither they
be

be of a civil or a criminall nature: any of the sajd comissioners may graunt warrants, somons, & executions, if neede require, & haue power to examine offenders, & comitt to prison, except bayle be tendered, according to lawe: also, any three of the sajd comissioners haue power to impowre military officers vnder the degree of a capitaine. The said comissioners are required to enjoyne each toune to procure the booke of lawes; also, any of the sajd comissioners haue power to minister oathes, according to lawe, and if they judge needefull, to binde offenders to the peace & good behaviour, or to solemnize marriage, according to lawe. Any three of the comissioners haue also power to receive in all such persons living wthin our l^jne as betweene this present t^jme and the last of September shall come in by their voluntary subscriptions: our meaning is, that they should not be barred from having the priuiledges that their neighbors enjoy by occasion of their necessary absence at y^e Court. (For succeeding articles vide Records of Massachusetts, Vol. IV, Part I, p. 358.)

No. XXXIII.

CONVEYANCE OF GEORGE CLEEVE TO JOHN PHILLIPS.

These Psents shall witnesse that I George Cleeue of
the

the Towne of Falmouth In Cascoe Bay In New England Gentleⁿ: have giuen granted barganed and sould and by these Psents do give grant sell and Confirme vnto Mr. John Phillips of Boston M^rchant: all yt Tract, prcell or Cleave }
 To } the Necke of Land, In Cascoe Bay, and now In
 Phillips } the possession of mee the sd George Cleeves
 on which my now dwelling house standeth
 by the meats and bound^s herein expressed, that is to say
 to begine at the Poynt of Land Commanly Called Machagony, and being north Easterly from my sd house and
 soe along by the water side from the house southwesterly,
 to the southwest side on my Corne feild, and to the
 Corner neare vnto the sajd Corne feild to the water lake
 running into the sd Cove, and from thence to runne
 Northwest westerly vpon a straight lyne through the
 wood^s and through the spruce Cricke or there abouts, or
 swamps into y^e backe Cove supposed to bee 3 quarters
 of a Mile bee it more or lesse, and from thence North-
 westwardly, round about to the sd Machagony togeather
 with all the wood^s and vnderwood^s and Tymber Trees,
 growing thereon and all my house or houseing Corne
 feild, or gardens or to soever appurtenances therevnto
 belonging, togeather alsoe with a Certen parcell of Marsh
 ground lying vpon that River, and southwesterly from
 the now dwelling house of Michaell Mitting at the nar-

row

row of the Necke of Land, and Adjoyneing to the lott of land by mee formly granted to Nathaniel Mitten Commonly Called the round Marsh, and about two or three Acres of sault Marsh (be it more or lesse) for and In Consideration of the some of Twenty five pound^s sterling to mee in hand payd before the sealing and delivery hereof. To have and to hould all and eury of the sd houses, and land^s wth all the premises, to him the sayd John Phillips his heyres executo^{rs} and assignes (for euer) and do further Covenant and promise to & with the sd Phillips his heyres and assignes y^t all the sd land^s and premises is free and Cleere from all other Covēnants, grants, bargans, gyfts, sayles, or any Incomberances w^tsoever, and shall warrant and defend the same, from any persons w^t soever, from Claymeing of any right title or Interest therein, from or by mee my heyres, executors Administrato^{rs}: or assignes, from the sd Phillips his executors, Administrato^{rs}: or Assigns for euer, In testimony hereof I the sd Geo. Cleeves haue herevnto sett my hand and fixed my seale this twenty six^t: of Septembr: one thousand six hundred fivety and nine, 1659:

Memorandu^r: that vnto all and singular the above sd land and premises mentioned is freely given and Consented vnto before the Delivery hereof by Mis Joane Cleeves, now wife vnto y^e above sd Mr. Geo: Cleeves the day and yeare above sd.

Witnesses	GEORGE CLEEUE [his seale]
JOHN WINTER	The Marke of JOANE
The Marke of RICHD	CLEEUE X [her seale]
MARTEN X	
The marke of RALPH	
TURNER O	
GEORGE MUNIOY	

vera Copia transcribed out of the originall, and y^rwith
word for word Compared, this 13: Decembr 1659

As Attests, EDW: RISHWORTH *Re: Cor:*

This 13th day of August Mr. Geo: Munioy Attesteth
to the trouth of the above mentioned Acts before mee,
Robert Jordan Assotiate. Some other Acts wh Conserne
this deede are entered in the 16 leafe of this booke
following.

No. XXXIV.

COURTS ANS^R TO M^R CLEAVES, BONIGHTON, FOXWELL
AND PHILLIPS PETICON.

The Court, having considered of the peticons of M^r
George Cleaves, M^r John Bonighton, M^r Richard Fox-
well,

well, and Mr Willjam Phillips, craving the helpe of this Court for the setling theire respective interests of lands and possessions in the east parts of this jurisdiction, doe judge meete to order, that theire respective cases and complaints, for a finall issue, be referred to Major Humphrey Atharton, Capt. Thomas Sauage, Capt. Edward Johnson, Capt. Tho. Clarke, or any three of them, who are hereby chosen and comissionated by this Court to heare and determine the seuerall differences of the sajd parties, as in theire wisdome they shall judge most meete, hereby impowring the sajd comittee to appoint the time and place of theire meeting, as they shall judge most convenient, (all persons concerned therein being hereby enjoyned to attend the same,) and to send for partjes and wittnesses, and examine theire seuerall complaints according to law, provided the complajnants be at the chardge of procuring the attendanc, and sattisfy the chardges of the comittee, and that retourne be made by the comittee to the next Generall Court after their determination.

No. XXXV.

ORDER BY THE GENERAL COURT OF MASSACHUSETTS TO
HER COMMISSIONERS, CONCERNING HER DISLOYAL
MAGISTRATES IN MAINE.

To Major Generall Daniel Denison Major William Hawthorne and Cap^t Richard Walderne you^u are hereby Required and Auorized to repair forthwith to Yorke or Wells in the County of Yorke so as you^u be there at or before y^e 26th of Instant May when a Generall Court is (as this Court is credibly Informed by y^e Authority of Henry Joceljⁿ Esq^r m^r Robrt Jordan and m^r Nicholas Shapleigh sumoned to meete together to exercise Gou^rment ouer the good people of that county, who by their subscriptions and oathes haue subjected and acknowledged themselves to be subject to the Authority of the Massachusetts Jurisdiction as being wth in the *lyne* of this pattent) and to Inquire into the Grounds of such their declinings from y^e obse^rvance of their oathes and dutjes according to y^e Articles and Agreem^{ts} betwene them and this Gouernment and on their p^{er}vsall and examination of what by the saj^d m^r Jocelin Jordan and Shapleigh shall present shall on the behalfe of thes Gou^rments Require themselves and y^e people to Returne to their due obedience vntill this Gen^l Court by their Application and ad-
dresse

dressé to his Maj^{ty} and due Information of the state of the case and our Just Right to those parts full and cleere orders shall be Returned suitably to y^e aboue menconed articles and in y^e meane time either by themselves or such as they shall Appoint keepe y^e ordinary and vsuall Courts y^t due Justice may be Administred as occasions shall present and further act and doe in y^e p^rmisses what, they shall find most just necessary and beneficiall for y^e establishment of order and peace and y^t the Tresurer of y^e country furnish y^e s^d Comissio^{rs} wth _____ pounds for Their necessary expenses.

Voted by y^e whole court 17 May 1662.

E. R. S.

No. XXXVI.

THE DECLARATION OF GEORGE CLEEVE OR HIS BILL OF
COMPLAINT AGAINST M^r ROBERT JORDAN OF
FFALMOTH IN THE COUNTY OF YORK.

Imp^{rs}. M^r Robert Jordan At the County Court of York, held in the moneth of July in the yeare 1659: Did make Sute against me for a debt not pperly myne but soe p^rtended and recou^ded against me to the value of Ten pounds Ten shillings and Costs of Court, To the w^{ch} that

that he had no just ground of Sute against me, I make appeare as followeth.

1. Although I acknowledged that I did receive of him to the value of Ten pounds yet it was not on my owne acco^t: But on the Generall acco^t of the Townes of Ffalmouth and Scarborough in the County of Yorke aforesaid: I being appointed (by them) to appeare at the Generall Court in theire behalfe And my charges appointed by them to be borne, in part whereof I received the before-named sum of Ten pounds And m^r Jordan him selfe did ingage to pay his pportion of the charges and to supply me while I was at the Court as I can by evidence make appeare:

Secondly in an Acton by me Entred and psecuted against him at the same Court for vnjust claimes by him layd to my Lands and wrongfull interruption and hinderin of my rents &c himselfe being an associate of that court, I was cast as I conceive Wrongfully in that action and the costs of Court bound against me, w^{ch} I also for further clearing referr to testimony

Thirdly M^r Robert Jordan having recoured the sd actions against me for it as also for the Costs of Court aforesaid all w^{ch} with charges of Extending did amount vnto the sum of Seventeen pounds or thereabout as appeares

peares by the Constables testimony who Levied it on my house and household goods and Cow:

Ffourthly Mr Robert Jordan having soe recouf'd and extended as aforesaid notwithstanding did not then expel me my house nor tooke possession of it but tooke my word and engagm^t to pay him the just sum due to him by virtue of the said judgm^{ts}, w^{ch} accordingly I did fully pay vnto him, notwithstanding w^{ch}, I having given him vnder my hand that the house and goods should remaine as his till the sum were paid, And though I had paid it fully yet a Court of associates in March last (him selfe being on of the associates he sues me againe for delu^y of my howse, goods and Cow and recoured against me, and hath taken them from me and holds them, the house being prised but at 8^{li} w^{ch} but a little before cost me 60^{li}—

Fiftly Mr Jordan at a form^l Court of that County aforesaid (w^{ch} I shold have minded before) After he had cast me in the Accion of interuption aforesaid, did, vnder p^rtence of law, sue me in an action of vnjust molestation, because I recouf'd not the action against him, though it was a just action w^{ch} I psecuted but him selfe being of that Court I was Cast 5^{li} againe in that action, and he not being therewith contented demands of me 15^{li} alledg- ing that the law gives treble damages in such cases w^{ch}

I conceive

I conceive I shall make appeare to this Hono^{ed} Court to be a very vnjust and injurious thing.

Sixthly At the same court of Associates in March last, having againe recou^{ed} my howse, Cow, Bed & Bolster & Bedd clothes, my Brewing-kettle, pott and other goods, Obtaines an execution directed to the Counstables deputy to possess him the said Jordan of the said house and goods & Comanded the Countables deputy (being his owne Creture) to throw out all my other goods as Apparrel, Chests, Trunks and pvisions out of doores, who soe acted to the spoyling and breaking of many of my things, and whereby I lost much of my goods and writings and Apparrel of my wifes and many other things to my damage more then a hundred pounds sterling: And more to vex and grieve me he brought with him on of his owne men (to assist the Constables deputy) who was starke drunke, taking my Kettle & pott being full of Wort for beere, redy to turn up, and threw it about the house and carried away the s^d Kettle & pott and detaineth them to this day being contrary to the Law in such cases p^uided; And further to increase my grieffe, he required his drunken man and deputy Counstable to goe into my wifes chamber where she was laid on her bedd & very sick who in a Barberous manner pulls her from off her bedd and takes her

her bedd from vnder her and the bed clothing and carries all away. My wife being no lesse then fouer score & seven yeeres of age And all this done after a warrant of Attachm^t was served vpon the said house, Goods and Cow, by the said Deputy Counstable, vnder the hand of M^r Edward Rushworth on of the Associates, requiring the said house and goods to be responsable to answer my action of review to be tryed at the next Court of Associates where (in trueth) I have small hopes of good success in my sutes against him he being one of them And one that Bouldly sayed—Let them if they durst, finde any thing against him. My suspition being the greater for that I p^rved at the last Court that I had paid m^r Jordan Twenty pounds towards the Two Executions to purchase my peace for the p^rsent vntill I might by sum review or complaint redress my wrong for all which I had no allowance by any order of Court Albeit the Two first executions came but to 15^{li} 10 ss beside what I paid the Counstable for fees and other Charges as appeereth by the Counstables testimony soe that m^r Jordan detaineth from me wrongfully my Money goods & Two Cowes being all the Cattle I had for my Subsistance for the p^rsent and hath p^rfferd to sell my house, to any that would buy it. And all this of purpose to starue and ruine me and my family:

All

All w^{ch} I hope this Hon^d Court will duly
Consider and order my repaierations:

■ GEORG CLEEVE.

No. XXXVII.

COPY OF A PETITION TO THE KING FROM SOME OF THE
INHABITANTS OF THE PROVINCE OF MAINE.

To the King's most excellent Majesty,

The humble Petition of the Inhabitants of Casco upon
the Province of Maine in New England, wherein
according to his Majesties command is rendered
theire reasons why they could not submitt to Mr.
Gorges.

Most dread Sovereigne,

PARDON, wee humbly beseech, if wee presume to
address our most gracious and loveing father, whose
gracious eye and fatherlie care is towards us the mean-
est of your subjects inhabiting the northern parts of
your dominions in this wilderness, as wee understand by
your gracious letter to us. For the which fatherlie and
gracious

gracious care of us therein expressed wee beseech, though wee bee but one of ten that presume to returne thanks, pardon wee humbly beseech you our presumption, who have the royall scepter of your command for soe doing, and accept of our bounden thankfullness, who upon our bended knees doe returne unto your sacred Majestie most humble and heartie thanks for the same.

And whereas your Majestie was pleased to demand our submission to Mr. Gorges, or else forthwith to render our reasons, may it please your most sacred Majestie, wee have noe reasons as of ourselves, haveing nothing to say against Mr. Gorges or his government, butt if itt shall please your Majestie soe to determine itt, wee shall willinglie and chearfullie submitt to itt.

I Reason. Butt when wee first submitted to the government of the Massachusetts wee did engage to be under their government till such time as your Majestie should determine us as proper to any other regulation, your Majestie being pleased to send to them demanding, as wee are informed, their resignation of us, or else to shew their reasons; which, they say they have undertaken to doe, and therefore have commanded us in your Majesties name to continue under their government till itt shall bee determined by your Majestie; against whom wee have nothing to say, butt have by good experience
found

found that expression of your Majestie verified concerning them that whereas they have exceeded others in pietie and sobrietie soe God hath blessed them above others, soe wee haveing had pietie soe countenanced and justice soe well executed that wee have found God's blessing in our lawfull callings and endeavours more in one yeare than in severall before or since our late troubles.

2 Reason. Since which, most gracious Sovereigne, itt hath pleased your Majesties most honorable commissioners to forbid our submission either to the Massachusetts or Mr. Gorges; and wee humblie beseech your Majestie nott to impute it to any disloyaltie in us, if your Majestie find not our names inserted in a petition directed to your sacred Majestie for the removall of the government both from the Massachusetts and Mr. Gorges, wee haveing noejust cause of complaint against either, wee being likewise taught out of the word of God that obedience is better than sacrifice, especiaillie of that which is none of our owne, and of which, for ought wee know, your Majestie hath long since disposed of, or if nott wee presume your Majestie knoweth better how to dispose of your owne than wee to direct; wee heere professing to your sacred Majestie it is the onely height of our desires, without any senister or by respects, to be
wholie

wholie and solie where God by his providence and your commands shall cast us.

Thus haveing, according to your Majesties commands and our weake abilities, rendered all the reasons wee have or know of, wee humblie beg your Majesties determination, by reason of the sad contentions that hath been and is now amongst us, nott without some threatening of us who did nott joyne with our neighbours in petitioning against Mr. Gorges and the Massachusetts, humblie begging your gracious and fatherlie eye to be towards us, wee onely desireing as much as in us lieth to act in the uprightnes of our hearts in the sight of the Almighty, your sacred Majestie and all men, desiring rather to submitt to, than to contend or direct what government or governours your Majestie shall please to appoint over us.

Thus, with our prayers to the God of heaven to power upon your Majestie all the blessings heaven and earth can afford, both spirituall, temporall and eternall, beseech him in whose hands are the hearts of Kings to direct your sacred Majestie soe to dispose of us as may make most for the glorie and honor of God, your sacred Majestie, and the good of us your poore subjects, wee prostrate ourselves att your Majesties feet and subscribe as our due and our dutie is,

Your

Your Majesties ever faithfull and obedient subjects, to bee obedient where your Majestie shall please to command us to the utmost of our lives and fortunes.

August 1st, 1665.

HENRY WILLIAMS

AMBROSE BOADEN

GEORGE LEWIS

JOHN LEWIS

THOMAS SKILLING

THOMAS SKILLING

JOHN SKILLING

JOHN CLAYES

THOMAS WAKLY

JOHN RIDER

NATHAN: WALLIS.

GEORGE CLEEVES

GEORGE MUNJOY

FRANCIS NEALE

PHINEHAS RIDER

RICHARD MARTIN

BENJAMIN HATEWELL

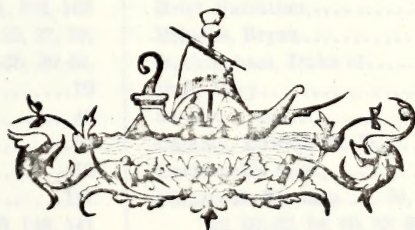
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GEORGE INGERSOLL

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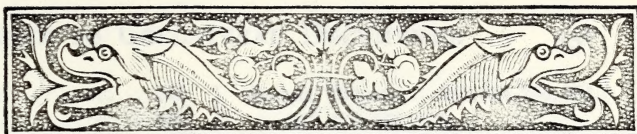
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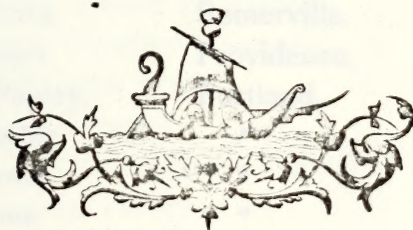
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